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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF MARCH, 1999 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

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

Agenda Nos. 275, 277, 282 and 285 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

274 Cash investment balances January 7 through February 3, 1999 (Report; Treasurer)

**Disposition:** Placed on File.

276 Accept bid of Chevron Products Co. to furnish emulsified asphalt for \$33,500 annually for two years (Purchasing Report - Bid 99132)

**Disposition:** Accepted; prepare contract.

**Commissioner Jim Francesconi**

278 Accept completion of Forest Park drainage restoration project and authorize final payment (Report; Contract No. 31860)

**Disposition:** Accepted.

\*279 Increase informal contract with Streimer Sheet Metal Works, Inc. for installation of electrical and telephone closet ventilation at the Portland Building (Ordinance; amend Contract No. 32061)

**Disposition:** Ordinance No. 173132. (Y-4)

\*280 Establish the Fire, Rescue and Emergency Services Facilities Bond Construction Fund (Ordinance)

**Disposition:** Ordinance No. 173133. (Y-4)

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**\*281** Lease with the Oregon Department of Transportation for the Bureau of General Services, Communications Division (Ordinance)

**Disposition:** Ordinance No. 173134. (Y-4)

**Commissioner Charlie Hales**

**\*283** Revocable permit to Jake's Restaurant to close SW Stark Street between SW 12th and 13th Avenues on March 16 through March 18, 1999 (Ordinance)

**Disposition:** Ordinance No. 173135. (Y-4)

**\*284** Revocable permit to Paddy's Irish Pub to close SW Yamhill Street between SW Naito Parkway and 1st Avenue on March 17, 1999 (Ordinance)

**Disposition:** Ordinance No. 173136. (Y-4)

**Commissioner Dan Saltzman**

**\*286** Authorize a contract with S-2 Contractors, Inc. and provide for payment for the Taggart Basin CSO sump project, Unit 4, Phase II, Project No. 6116 (Ordinance)

**Disposition:** Ordinance No. 173137. (Y-4)

**287** Adopt industrial wastewater batch discharge service fees (Second Reading Agenda 272)

**Disposition:** Ordinance No. 173138. (Y-4)

**Commissioner Erik Sten**

**\*288** Accept a \$15,000 grant from the Oregon Office of Energy to promote a sustainable lifestyle campaign for Portland residents (Ordinance)

**Disposition:** Ordinance No. 173139. (Y-4)

**\*289** Accept a \$15,000 grant from the State of Oregon Department of Environmental Quality to promote a sustainable lifestyle campaign for Portland residents (Ordinance)

**Disposition:** Ordinance No. 173140. (Y-4)

**\*290** Authorize the Portland Development Commission, as agent for the City, to commence condemnation proceedings to obtain early possession of property known as the Park Terrace Apartments needed for the preservation of affordable housing (Ordinance)

**Disposition:** Ordinance No. 173141. (Y-4)

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REGULAR AGENDA

275 Accept bid of PCI Mechanical Construction for Linnton pump station improvements for \$384,666 (Purchasing Report - Bid 99113)

**Disposition:** Withdrawn.

\*277 Authorize the Mayor and Auditor to execute Amendment #2 to the Agreement for Development between the City of Portland and Hoyt Street Properties, LLC regarding the provision of open space and related matters (Ordinance)

**Discussion:** John Southgate, Portland Development Commission (PDC), noted that last October Council adopted the recommendations of the Tanner Creek Park Steering Committee which modified the open space scheme for the River District. That scheme calls for the creation of two park squares north and south of Lovejoy Street, a two-acre neighborhood park north of Overton and a waterfront park. He said an RFP for design work on the South Park Square is about to be issued. When Council adopted this scheme it also directed PDC to work with the Parks Bureau, property owners and the community to amend the development agreement to reflect this modified plan. That plan called for three half park blocks north of Lovejoy terminating in a water basin and other waterfront park improvements. This was selected as the preferred alternative for a number of reasons, the most salient of which is that it opens space south of Lovejoy. Most of the proposed changes are housekeeping ones which clarify the changes between the original agreement and what has now been agreed to. There is one provision of some concern to the Pearl District Neighborhood Association where there appears to be some miscommunication. The original agreement called for amendments to the Master Plan that basically asked Hoyt Street Properties (HSP) to dedicate 66,000 square feet to Parks instead of requiring it to dedicate public pathways on Kearney and Marshall. Now HSP has agreed to put in those pedestrian pathways in addition to dedicating the first 66,000 square feet of open space. With those agreements, the need to amend the Master Plan has been totally eliminated from the development agreement. The Neighborhood Association still wants to discuss amending the Master Plan, regardless of what the development agreement calls for. PDC and Parks have no objection if HSP and the Pearl District Neighborhood Association want to pursue a separate Master Plan but that is a not a separate process.

Mayor Katz asked if Amendment No. 2 is separate from the issue of amending the Master Plan, which was not part of this agreement.

Mr. Southgate said the agreement called for amending the Master Plan only with respect to the pedestrian pathways. Because HSP is willing to provide those, the need to amend the Master Plan goes away. One can debate in larger terms whether the Master Plan should be amended anyway but that is a separate process. The only other change this agreement needs is to extend the deadline by which the Lovejoy ramp has to be removed. The current deadline is Monday, March 8, and both the City and HSP have agreed to extend that to August 1. If Council fails to approve that, the City is

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technically in default.

Bruce Allen, PDC, said he believes the Neighborhood Association is interested in revising the Master Plan for HSP and while that is something PDC is happy to work on, it is really independent of the amendments before Council today.

Janet Bebb, Bureau of Parks and Recreation, said Parks is very happy with the configuration before Council and the next step is an RFP for consultant services to coordinate the design elements for all the parks and then design South Park Square. The Bureau will work closely with the community and has already named a Steering Committee that includes neighborhood representatives. It will also hold public workshops on specific design ideas.

Mayor Katz said she understands a team is already looking at sculpture.

Ms. Bebb said they would like to consider the art for both the parks and the neighborhood in a holistic fashion and one important element is the art work on the Lovejoy ramp columns. In the RFP they will suggest that an artist be included as part of the team. They are also working with RIGA on its advocacy position while still supporting the competitive process that has been set up.

Mayor Katz asked about actual sculptures. She agreed it was absolutely essential to involve the arts community.

Commissioner Saltzman asked about the art work on the Lovejoy ramp columns.

Mr. Southgate said there is some ancient artwork, the circa 1930 murals, on the columns that will be preserved in some way.

Mayor Katz questioned referring to them as ancient. She would prefer to call them well preserved.

Homer Williams, HSP, said the concept is to weave art into the fabric of the neighborhood, whether it is a sculpture, or something on a building or the sidewalk. This has to be a neighborhood effort and HSP will set up a foundation to provide money to get this started, although much broader-based support will be needed.

Tom Harkey, 618 NW 12th Ave., #405, read a letter outlining the concerns of the Planning and Transportation Committee of the Pearl District Neighborhood Association. The Committee believes there are broad deletions in the amended agreement which seem to strip the public's right to participate in further planning on HSP land. The document also appears to create a new development agreement that eliminates the Master Plan amendment process and would effectively shut the neighborhood out of discussions they have been a party to for the last two years. The Committee requests an additional month to review this document to clarify the intent of PDC and HSP. Speaking personally, he said in May, 1997, the neighborhood worked

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closely with HSP and PDC on the memorandum of understanding which was to lead to the development agreement followed by master plan amendments 90 days later. The Neighborhood Association wants to be involved in a master plan process for the whole neighborhood, not just for the parks and open spaces.

Mayor Katz noted that the amendment to the Master Plan has actually been done.

Mr. Harfee said that seems to refer solely to the parks blocks and pedestrian right-of-ways. Will there be further discussion of an amended master Plan for the entire neighborhood?

Mr. Allen said Council may recall some of the hotly-debated issues that were debated 1-1/2 years ago. One was elimination of the east/west pedestrian ways, which would effectively create superblocks, and the idea was that HSP would trade some of those required pedestrian ways for the park blocks. The second issue was the anticipated realignment of 11th Avenue, resulting in narrower park blocks. The Neighborhood Association opposed that. To accomplish those two goals, the development agreement included language allowing the Master Plan to be amended to realign 11th and delete the pedestrian ways. Since then, however, they have found there is no need to realign 11th and HSP has also agreed to retain all the pedestrian ways so there is no need to amend the Master Plan in any way to accomplish that. Since those two changes are what the neighborhood wants, PDC believes there is no reason to amend the Master Plan. He said the Neighborhood Association's interest in revising the Master Plan is independent of the legal action Council is taking today and would require the consent of HSP.

Mr. Williams said HSP is in the process of looking at this, especially north of Lovejoy and will do some further work on this as there are things the neighborhood association is right about, which HSP would like to be able to integrate into the plan. They are concerned about what happens at the street level as right now everything is very linear and they would like to explore ways to make it more interesting.

Mr. Harfee said the Pearl District's concern is with those larger issues, i.e. floor area ratios, building heights, retail requirements, etc., which they naively thought would be part of an amended master plan. This document excludes any required amendments of the master plan and the neighborhood is concerned about its input in the process.

Mr. Williams said once they proceed north of Lovejoy there are many aspects that need discussion and work.

Commissioner Francesconi said pursuing the idea of putting the park south of Lovejoy was important. The City is fortunate to be able to build parks here and expects this to be an exciting, world class park in the City because of the work and resources provided by PDC, HSP and the neighborhood.

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Commissioner Sten said he is very excited about the art that is going to happen here and believes the neighborhood's issues will also be addressed.

Mayor Katz said this is going to be a very exciting area and this probably meets all the requirements of a millennium project. She is also very excited about saving those columns, as ancient as they may be.

**Disposition:** Ordinance No. 173142. (Y-4)

- 282 Accept contract with Copenhagen Utilities & Construction Co. for street improvements on the affordable street improvements Phase II project (SE Bybee Street; 52nd to 57th, SE 54th; Rural to Cooper, SE 57th; Rural to Cooper) as compete, make final payment and release retainage (Report; C-9951)

**Discussion:** Cay Kershner, Clerk of the Council, said because this is a Local Improvement District, the report needs to be returned and processed differently.

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

- \*285 Contract with Full Circle Consulting LLC to provide siting dispute resolution consulting services for \$28,000 and provide for payment (Ordinance)

**Discussion:** Commissioner Saltzman said the City is about to embark upon a demonstration program with the State Dispute Resolution Commission to focus on siting public safety-related facilities in the community. These are very vexing and challenging situations but most people recognize that many individuals currently in correctional facilities will ultimately return to the community. He said he is also working with the Mayor and several County commissioners to come to some agreement on siting issues with the State and federal governments.

Barbara Hart, Director, Neighborhood Mediation Center, said this is a specific project designed to help resolve disputes that involve the siting of social service and residential facilities. This is just one example of innovative programs the Center is working on in close partnership with the Bureau of Housing and Community Development.

Judith Mowery, Full Circle Consulting, described the components of this program, including the training of volunteers for the Mediation Center. Another component will be the direct facilitation of some siting processes. They want to educate the community about the continuum of mediation services, ranging from building neighborhood communication skills to planning public outreach and identifying stakeholders and their interests. One hoped-for outcome is to build the capacity of communities to discuss these complex, longterm planning processes and remain up to speed and vested in the outcomes. They also will try to build relationships that are not based on a single issue. She said one cannot expect easy solutions, however, because siting issues are complex and often emotional. One also cannot expect that a cookie cutter approach will work in every situation as every neighborhood is unique. While democracy is generally messy

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and this is one of messiest areas one can wade into, she believes people can learn to do it with greater skill.

Commissioner Saltzman noted that Full Circle will be facilitating three or four ongoing siting issues.

Mayor Katz said she and Commissioner Saltzman recently met with citizens on the east side to talk about siting issues. It was very clear at the end that the City ought to prioritize the issue with Out Front House as it is still bubbling and she sensed the group thought those issues could be dealt with early on. She wants to continue to be involved because of the need to address facilities for juvenile offenders in lieu of incarceration. She has also been working on Code amendments regarding facility siting and has been told by the Planning Bureau that it may take 18 months of review before they come to Council. She finds that totally unacceptable and would like to see that process speeded up.

Ms. Mowery said the lack of a good process for dealing with the Out Front issue has damaged the Buckman community, resulting in neighbors who no longer speak to each other. It is also important to identify all the issues up front.

Mayor Katz said the problems with Out Front were more with the process than with the substance. The process decision precluded Council discussion on the substance issue.

Commissioner Saltzman said he hopes that one of the outcomes will be recommendations about appropriate Code changes.

Commissioner Sten said he needs to get more up to speed on Council's role and what it supports as far as the base line issues and Code amendments. He wants to ensure there is a fair process but he is not open to some of the arguments he has heard, i.e. that neighborhoods do not need renters. There needs to be some work on community values. It seems to him there are some issues Council needs to discuss in the interim 18 months.

Commissioner Saltzman said about 30 or 40 stakeholders met recently and at that time he agreed to convene a smaller working group to come up with some recommendations for policies and ordinances. The group would include the Mayor, several County Commissioners and other key players.

Mayor Katz said she got a sense at that meeting that the issue is not foster care or facilities for the mentally challenged but very specific locations as well as the number of such facilities in a particular neighborhood. There are also notification issues. If both the smaller and larger groups can reach some agreement, perhaps the City can move more quickly.

Ms. Mowery said the pilot project does include taking a look at foster care and low income housing. One key to its success is to provide a neutral process, allowing people

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to talk as efficiently, effectively and completely as they possible can.

Commissioner Francesconi asked if she planned to get the opponents of Out Front House to talk to the people who run the program.

Ms. Mowery said she has not worked with Out Front yet but understands they are currently working with an independent mediator.

Commissioner Francesconi said he is very aware of the over concentration of social services in Old Town and the Central Eastside. But at the same time alternatives to incarceration for young people are needed so there are competing principles here. He said he was struck with how professionally Out Front is run and added that it is very important to get the parties together to form relationships so Ms. Mowery's job can evaporate.

Ms. Mowery said the point is to have the least intervention possible. The saturation issue comes up almost every time and then the latest proposal becomes the line in the sand for neighborhoods who say "we are not going to take anymore." It then becomes very difficult to have a conversation about the real impact on the neighborhood. That conversation needs to be ongoing.

Ms. Hart said the Mediation Center will need to work closely with Council on the policy issues and partnerships with the County and State. This five-month pilot project will look at how to address specific disputes rather than the larger policy implications. The project will follow mediation principles that are based on bringing the parties directly together to look for ways to solve the problem long term.

Commissioner Francesconi said this is a tough issue and everyone will need to work through it because right now the relationships are not there.

Mayor Katz said the City must follow federal law and there are some things it cannot do. However, there are a few discretionary areas and those need to be identified very early. She said at the Conference of Mayors she attended a workshop on housing policy and was told by a lawyer for the advocacy groups that when the policy passed the issue of juvenile offenders was never discussed. There may be an opportunity to discuss this further with the community.

**Disposition:** Ordinance No. 173143. (Y-4)

**Mayor Vera Katz**

**\*291** Accept a \$970,113 supplemental grant award from the U.S. Department of Justice, COPSMORE '96 Program (Ordinance)

**Disposition:** Ordinance No. 173144. (Y-4)



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\*292

Adopt a City Council policy that defines and prohibits workplace violence (Ordinance; amend City Code Sections 4.01.030 F. and G.14)

**Discussion:** Mayor Katz said there have been some incidents of violence in the workplace within the City and some other potential incidents were diffused. The City is precluded from passing ordinances prohibiting private citizens from coming into public buildings carrying concealed weapons but it is not precluded from setting standards for the City's own workforce or identifying the consequences if the policy is not adhered to. The policy reflects concern for the physical environment of the public buildings as well as the personal safety of employees.

Fred Cuthbertson, Risk Manager, said work on this policy began in February, 1996, and has involved a 26-member committee and 14 bureaus. Once the ordinance passes, an extensive training program will be undertaken.

Commissioner Saltzman asked if there had been any discussion about City employees who may have temporary restraining orders issued on their behalf.

Mr. Cuthbertson said the policy states that employees should report any safety concerns to supervisors. Restraining orders are not specifically addressed but those could fall within the realm of legal issues and handled in a different fashion.

Commissioner Francesconi said some of the language in the policy, such as refusal to obey a legitimate order and conduct unbecoming a City employee seems a little different than violent conduct. Is that from the old Code?

David Rhys, Bureau of Human Resources, said the references were their attempt to include as part of the policy current pieces of Code that connect to violence in the workplace policy so supervisors can see the underpinnings. The current Code is not being revised except for what is contained in this ordinance itself.

Commissioner Francesconi said there seems to be differences of opinion among the Council members about how much security to provide in City Hall and the Portland Building. He said he would like the committee to look at this issue and return with an independent opinion. He asked them to work with David Kish and Karen Kramer in the Bureau of General Services.

Mayor Katz said some Council members felt far more security was needed than others and yet everyone wants to open up City Hall to the public. Some people do not even want employees to wear name tags. Opinion may be very different now, however, with the new Council.

Mr. Cuthbertson said the committee will be happy to address this issue.

Diana Madrieta, 2055 NW Irving, 97209, board member for Cease Fire Oregon, thanked Council for considering this policy which will make employees safer in the

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workforce. She said Cease Fire Oregon is facilitating the creation of a violence-free work environment policy which will be marketed to private industry.

**Disposition:** Ordinance No. 173145. (Y-4)

**Communications**


**293** Request of Jada Mae Langloss to address Council on wheelchair accessibility issues (Communication)

**Discussion:** Jada Mae Langloss, no address stated, described some of the many "adventures" she has had since becoming wheelchair-bound. She said she has broken about six bones now because of the difficulty she has had maneuvering her way around town. She expressed thanks to Tri-Met drivers for their help.

**Disposition:** Placed on File.

At 10:45 a.m. Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

  
By Cay Kershner  
Clerk of the Council

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**WEDNESDAY, 2:00 PM**

DUE TO THE LACK OF AN AGENDA

THERE WAS NO MEETING