



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12th DAY OF APRIL, 2000 AT 9:30 A.M.

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

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

Item Nos. 492, 493 and 507 were pulled and on a Y-5 roll call the balance of the Consent Agenda was adopted as follows:

- *487** **TIME CERTAIN: 9:30 AM** – Amend City Code relating to purchasing and adopt Professional, Technical and Expert services manual (Ordinance introduced by Mayor Katz; amend Code Title 5)

Disposition: Ordinance No. 174347.

CONSENT AGENDA - NO DISCUSSION

- 488** Accept bid of Skyward Construction LLC to furnish remodel of fire stations 4, 22 and 41 for \$1,961,000 (Purchasing Report - Bid No. 99748)

Disposition: Accepted Prepare Contract.

- 489** Accept bid of Optec, Inc. dba FirstWorld Northwest, Inc. to furnish communication cabling for the 6th floor of the Portland Building for \$49,499 (Purchasing Report - Bid No. 99840)

Disposition: Accepted Prepare Contract.

- 490** Vacate an alleyway in Block 32, Portsmouth Addition, under certain conditions (Order of Council; Second Reading Agenda 458; C-9971)

Disposition: Ordinance No. 174328.

- 491** Vacate a certain portion of SW Multnomah Boulevard east of SW 24th Avenue, under certain conditions (Order of Council; Second Reading Agenda 459; C-9972)

Disposition: Ordinance No. 174329.

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Mayor Vera Katz

***494** Pay claim of Eddy Hogan (Ordinance)

Disposition: Ordinance No. 174330.

***495** Pay claim of St. Ignatius Convent (Ordinance)

Disposition: Ordinance No. 174331.

496 Authorize an agreement for charitable solicitations campaign services from the Black United Fund of Oregon, Inc. (Second Reading Agenda 460)

Disposition: Ordinance No. 174332.

Commissioner Jim Francesconi

497 Accept contract with Platinum Construction Services, Inc. for remodel of the East Police Precinct project as complete, authorize final payment and release retainage (Report; Contract No. 32375)

Disposition: Accepted.

***498** Authorize Hold Harmless Agreement for disaster drill at the Port of Portland (Ordinance)

Disposition: Ordinance No. 174333.

***499** Amend contract with Ausbie & Associates, Inc. to increase amount for fence installation at Portland International Raceway by \$61,270 (Ordinance; amend Contract No. 32711)

Disposition: Ordinance No. 174334.

***500** Contract with FirstWorld, Inc. to install voice and data structured cabling for the 6th floor remodel project and provide for payment (Ordinance)

Disposition: Ordinance No. 174335.

Commissioner Charlie Hales

501 Set hearing date, 9:30 a.m., Wednesday, May 10, 2000, to vacate a certain portion of NE 123rd Avenue and NE Hoyt Street (Report; C-9975)

Disposition: Adopted.

502 Accept contract with Nutter Corporation for street improvements on NE 32nd / 33rd / Hassalo traffic calming program project as complete, release retainage and make final payment (Report; Contract No. 32445)

Disposition: Accepted.

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Commissioner Dan Saltzman

- *503** Amend contract with Montgomery Watson Americas, Inc. for the Tanner Creek stream diversion project, Phases 2 and 5, Project Nos. 5500 and 6638 (Ordinance; amend Contract No. 31650)

Disposition: Ordinance No. 174336.

- *504** Authorize the Purchasing Agent to sign a Purchase Order as a contract with the lowest responsible bidder to purchase and install two truck scales at the Columbia Blvd. Wastewater Treatment Plant, Project No. 6796 (Ordinance)

Disposition: Ordinance No. 174337.

- *505** Contract with City of Gresham, Citizen Involvement Office, to implement the Community Residential Siting Program in East Multnomah County for the period ending June 30, 2000 (Ordinance)

Disposition: Ordinance No. 174338.

Commissioner Erik Sten

- 506** Authorize final payment to Skyward Construction for Washington Park facility re-roofing project (Report; Contract No. 32513)

Disposition: Accepted.

- *508** Amend contract with KCM, Inc. to provide additional consulting engineering services for the conduit isolation and improvement project and provide for payment (Ordinance; amend Contract No. 31302)

Disposition: Ordinance No. 174339.

- *509** Authorize a contract with ESRI, Inc. in the amount not to exceed \$487,300 to assist in the data migration to the ARC/FM Water Geodatabase as part of Water Facility Geographic Information System (Ordinance)

Disposition: Ordinance No. 174340.

- *510** Issue a revocable permit for US West Communications, Inc. to install, maintain and operate public telephones on City streets (Ordinance)

Disposition: Ordinance No. 174341.

- *511** Authorize a contract with TruGreen Landcare for large landscape audits (Ordinance)

Disposition: Ordinance No. 174342.

- *512** Agreement with Portland YouthBuilders for \$650,000 for a comprehensive youth community service program and provide for payment (Ordinance)

Disposition: Ordinance No. 174343.

- 513** Authorize an intergovernmental agreement and provide payment for services to enhance and provide maintenance and training for the Portland Water Bureau's Supply and Transmission Model (Second Reading Agenda 474)

Disposition: Ordinance No. 174344.

REGULAR AGENDA

- *492** Authorize the Mayor and Auditor to execute a labor agreement between the City and the Portland Police Association relating to terms and conditions of employment of represented personnel (Ordinance)

Discussion: David Shaff, Employee Relations Manager, Human Resources, said this contract took quite awhile to get to, but now there is an agreement both the Portland Police Association (PPA) and the City think is satisfactory. The City and PPA goals and objectives in compensation for compensatory time and overtime were mostly met. The elements the City wanted to look at had to do with the area of overtime: who worked it; how mistakes were corrected when they were made; and how much compensatory time individual officers could accrue. Some officers earned and took as much as 400 hours a year, which had an operational impact on the bureau. A resolution has been worked out to address overtime from morning and afternoon court. Mr. Shaff said health care regarding an officer injured in the line of duty has been worked out. The language in recruitment areas has made it better for officers with prior law enforcement experience to be brought into the City. Educational incentives have been improved and safety equipment language has been updated. Prior to this, officers had to provide their own handcuffs and other pieces of equipment.

Greg Pluchos, President, PPA, said PPA believes this is a good first step. In this negotiation, the Association, the City and the citizens have gained a better understanding of each other.

Commissioner Francesconi said it was good to address the overtime issue as it is important from a fiscal and important from a credibility standpoint. It would be nice to involve the union in helping with youth violence in the future.

Commissioner Sten said there are a lot of issues to work jointly on and this is a building block.

Mayor Katz said during negotiations there are a variety of opinions and pulls and tugs. The final analysis is that the Police are part of the City workforce/family.

Disposition: Ordinance No. 174345.

S*493

Amend intergovernmental agreement with the Metropolitan Service District for consolidation of regional convention, trade and performing arts facilities (Ordinance; amend Contract No. 25921)

Discussion: Commissioner Saltzman moved the substitute and Commissioner Hales seconded.

Tim Grewe, Chief Administrative Officer, Office of Management and Finance (OMF), said among the many Civic Stadium issues being negotiated is how to transition operations of the Stadium to Metropolitan Service District (MSD), with which the City currently has a contract, not just for the Stadium, but for the Performing Arts Center (PAC). Next is to transition from MSD to Portland Family Entertainment (PFE).

Linda Meng, Chief Deputy City Attorney, said the substitute is to deal with the issue which arose from the time crunch. The City's agreement with MSD can be terminated by one party unilaterally on a certain amount of notice. The original notice deadline was January 1 which was extended by agreement to April 15th. They are trying to reach a transition agreement so the current agreement does not have to be terminated, but modified to allow transition of Civic Stadium to PFE. April 15th comes this Saturday and MSD is not going to meet until Thursday to consider the possibility of the two-week extension. If it goes beyond the 15th without an agreement and the City has not terminated, there is a problem. This ordinance authorizes the two-week extension to May 1st as the deadline for the notice of termination and also provides that, if MSD does not agree to the extension and April 15th is the deadline, the Mayor will be authorized to terminate the agreement.

Mr. Grewe said termination, assuming there are no further discussions with MSD after termination, would result in what the City is after, transfer of operational responsibility of MERC and METRO from MSD back to the City. It would also trigger transfer responsibility for PAC back to the City. The first priority is to maintain the operating arrangement with METRO/MERC with PAC. Terminating that would only be the result of negotiations not coming to a successful conclusion.

Mayor Katz asked if any party was interested in shutting MERC totally down and distributing the facilities to either Metro or the City.

Mr. Grewe said the Metro Council has discussed the need to maintain MERC or to have MSD assume the responsibility. The City has discussed provisions within the contract requiring Council oversight on any move by Metro to eliminate MERC and become the operator of City facilities, but there is no resolution on that language at this point.

Disposition: Substitute Ordinance No. 174346.

507

Direct the Bureau of Water Works to proceed with plans, specifications and estimate for the SW Arboretum Circle water main Local Improvement District (Resolution)

Discussion: Mary Ellen Collentine, Water Bureau engineer, said SW Arboretum Circle presently has a private water main servicing properties through a private street. The system has had a series of leaks and failures. Residents approached the Water Bureau for a solution and opted to form a Local Improvement District (LID) to replace the water main to Bureau standards and then have the Bureau take over maintenance and operations of the system.

Matt Brown, LID Administrator, Office of Transportation, said the new process for LIDs is to hold an earlier hearing date. In the past, there was really no chance for public input, no hearing process and no chance for Council input prior to design and a lot of work on the Bureaus' part. But, all the important issues surrounding an LID are present early on -- at the time and manner ordinance. At that time they know what the project costs and their allocation will be, if there will be waivers, the scope of the project and, in general, who does and who does not support the project. Therefore, this hearing comes before any work has been done.

Commissioner Saltzman asked if this were a private sewer system.

Mr. Brown said the water system and the street are private, so the sewer system is private as well. The residents were asked if they wished to just address the water or add the sewer. At that point, the neighborhood association determined, as the street and sewer were working well and the cost would be prohibitive, not to add them.

Suzanne Zarling, 612 SW Arboretum Circle, said the neighborhood had been having trouble for six years or more. There is one water meter for the neighborhood association of 12 houses and 22 lots. There have been bills in excess of \$30,000 a month due to leaks and, with PVC pipe, it is impossible to locate leaks without digging.

Disposition: Resolution No. 35877.

At this point, the Mayor allowed testimony from Louise Weidlich, Director, Neighborhood Protective Association, PO Box 19224, 97219. She spoke to Item No. 492, the police negotiations, saying there was nearly no coverage on the details. She said the officers already on the police force should be promoted to the new jobs.

*487

TIME CERTAIN: 9:30 AM – Amend City Code relating to purchasing and adopt Professional, Technical and Expert services manual (Ordinance introduced by Mayor Katz; amend Code Title 5)

Discussion: Sue Klobertanz, Purchasing Director, said she will refer to the manual as the PTE manual, which is a joint effort from Purchasing staff, the Auditor's Office and the City Attorney's Office. PTE authority is held by the Bureaus and this manual does not change that. The manual has been reformatted for more logical, chronological presentation. A major change is the inclusion of diversity in employment and contracting as a criterion for the selection of any PTE contractor, which is Council intent for any contractor selection. The Request for Proposal (RFP) and model PTE agreement boilerplates will be on the intranet site and required for use by the various bureaus, unless they receive an exception from the City Attorney's Office. The PTE data is not yet there for data tracking. Ms. Klobertanz noted that the ordinance provides authority for the Purchasing Agent to develop a strategy to make information regarding bidding opportunities more easily accessed -- at one location. The overall vision is to have a fair, efficient, effective and accountable procurement system.

Madelyn Wessel, Chief Deputy City Attorney, said there are about 100 City employees engaged in procurement in the different bureaus. This manual allows bureaus to undertake procurement themselves, but it establishes a more coherent process. An important aspect of the manual and code revisions moves the PTE procurements into a significant arena of

opportunity for minorities, women and emerging small businesses (MWESB). This constitutes a small step in updating the City Code regarding outdated language and giving coherent patterns for purchasing directions.

Mayor Katz said the City has done a lot in the construction area and now this is a nice beginning.

Commissioner Francesconi asked if there were a target or goal.

Ms. Wessel said the Fair Contracting and Employment Strategy establishes a base-line goal. But, with the current decentralized process, Purchasing has not been able to track the actual results of a strategy. The City has established goals of about 15 percent for MWESBs, City-wide.

Commissioner Francesconi asked about the "minority publications" in the requirements section. Why not just say minority newspapers.

Ms. Klobertanz answered that they were trying to leave the door open for other technological advances, such as Web-based sites.

Commissioner Saltzman asked about the calendar where each bureau will provide Purchasing with their PTE projects. He sees no dates for the list.

Ms. Klobertanz said she had no authority to twist the bureaus' arms for the information. As soon as the budget is closed, Purchasing asks for an estimate for the coming year and electronically updates the list quarterly.

Commissioner Francesconi said it would be good for them to know where this fit in the overall scheme of things.

Disposition: Ordinance No. 174347.

Commissioner Dan Saltzman

- 514** Require Bureau Directors to have a written teleworking agreement approved by and filed with the Commissioner-in-Charge, the Bureau of Human Resources and the City Attorney's office (Resolution)

Discussion: Commissioner Saltzman said this more firmly establishes the teleworking. He noted his experience with the Bureau of Emergency Communications (BOEC) Director, who had an unwritten agreement with the previous Commissioner. Such an agreement should be in writing and provided to the Commissioner in charge, the Bureau of Human Resources (BHR) and the City Attorney's Office. When a new Commissioner is put in charge, it will be the responsibility of the bureau director and BHR to make that Commissioner aware of the teleworking agreement. The resolution also directs that a person (and BHR) who has such an agreement as a reasonable accommodation granted under the American With Disabilities Act to notify as noted above.

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Mayor Katz said the policy charges the bureaus to hold teleworking employees accountable, with a work plan and a timely report on the work done.

Disposition: Resolution No. 35878.

Communications

515 Request of Jeffrey Bale to address Council regarding assessed Code violations (Communication)

Discussion: Jeffrey Bale said he has lived in the Sabin neighborhood at 1222 NE Failing Street for 16 years. For 12 of those years the house next door was a notorious crack house with frequent violence, gun shots and a murder in 1994. As a landscape architect, he created an award-winning garden which was featured in Yard Design magazine, from which he later received the Golden Trowel award. The property was red-tagged in 1995 and was vacant for two years. After Mr. Bale called the Bureau of Buildings (BOB) in August, 1998 to notify them of that property's weed problem, the property's owner, came to his home to ask who cut the weeds, and mentioned he was going to sell. Mr. Bale signed an earnest money agreement the next day. In purchasing the house, he learned of fines and possible liens against the property for code violations, but thought he would be able to work something out with BOB. To date, nothing has changed and the fines keep mounting. He proffered a petition signed by 41 neighbors that supports his position. Most of them could not believe this was happening to him, after the work and money he spent on the property.

Commissioner Hales volunteered to follow up on this with Mr. Bale. Liens do go with a property and a purchaser/the title company has an obligation to find out what liens there may be. In this case, law is one factor and common sense another.

Disposition: Place On File.

At 10:35 a.m., Council recessed.

APRIL 12, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12th DAY OF APRIL, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, and Saltzman, 3.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

- 516** **TIME CERTAIN: 2:00 PM** – Amend Parks SDC Code to modify the way qualified public improvement credits are defined and administered (Second Reading Agenda 399) **Note: To be rescheduled.**

Discussion: Commissioner Francesconi said some of this is to prevent the same situation they have experienced with the River District. The proposed amendments will take care of that but, to make sure all these issues are dealt with at the same time, more time is needed. A hearing will be held on this before it comes back to Council.

Disposition: Referred To Commissioner Of Public Utilities.

Mayor Vera Katz

- 517** Tentatively deny appeal, with conditions, of the Corbett-Terwilliger-Lair Hill Neighborhood Association against Hearings Officer's decision to approve the application of School District No. 1 and the Portland French School for a conditional use for a new elementary school use in an existing school building at 6318-6338 SW Corbett Avenue (Findings; Previous Agenda 450; LUR 99-00582 CU)

Discussion: Jeff Boly, Chair, Arlington Heights Neighborhood Association (AHNA), said he was pleased to report that good progress has been made. A committee, with members consisting of both the school and neighborhood, has been formed.

Kathryn Beaumont, Senior Deputy City Attorney, said the findings are based on the Hearings Officer's report, some additional language has been added that addresses the conditions of approval and the issue of the hedge in the setback of the west yard. The amendments proposed in the hearing have been incorporated, along with the condition calling for a site plan signed by both the Portland Public School District and the French School.

Commissioner Hales moved adoption of the revised findings and Commissioner Francesconi seconded.

Susan McKinney, Office of Planning and Development Review, said if the school wanted to put in a fence and gates at a later time, it would have to go through a Type III review.

Commissioner Francesconi said he checked, because of this case, and found that 50 percent of the City parkland and open space land is actually school property. Given the competition for land, it is very important to have public access to those properties.

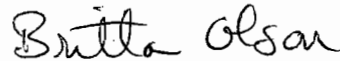
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Commissioner Hales commended the neighborhood and school about their willingness to work together.

Disposition: Appeal denied, with conditions.

At 2:11 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

A handwritten signature in cursive script that reads "Britta Olson".

By Britta Olson
Clerk of the Council