



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF APRIL, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer John Wrigley, Sergeant at Arms.

The Mayor proclaimed April 30-May 7 as Community Law Week and the month of May as Apprenticeship Month.

CONSENT AGENDA - NO DISCUSSION

Agenda No 650 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

- 643 Cash and Investment Balances for March 15, 1990 through April 11, 1990 (Report; Treasurer)

Disposition: Adopted. Placed on file.

- 644 Vacate a portion of SW 39th Avenue Approximately 406 feet south of SW Iowa Street, under certain conditions (Ordinance by Order of Council; C-9728)

Disposition: Passed to second reading.

Commissioner Earl Blumenauer

- 645 Amend Report to Council on completion of NE Lombard Street Interceptor accepted by Council April 11, 1990 (Report; Contract 24676)

Disposition: Adopted.

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646 Transmit both a Discontinuing Resolution and a new Resolution to improve as a district: SW 47th Avenue (Vesta to Buddington); SW Buddington, Coronado and Vacuna Streets (45th to 47th), and the construction of a storm sewer (Report; C-9400)

Disposition: Adopted.

647 Direct the City Engineer to discontinue proceedings in the improvement as a district: SW 47th Avenue (Vesta to Buddington); SW Buddington, Coronado and Vacuna (45th to 47th) and the construction of a storm sewer (Resolution)

Disposition: Resolution No. 34711. (Y-5)

648 Direct the City Engineer to prepare plans, specifications, and estimates for the improvement of as a district: SW 47th Avenue (Vesta to Buddington); SW Buddington, Coronado and Vacuna (45th to 47th) and the construction of a storm sewer (Resolution)

Disposition: Resolution No. 34712. (Y-5)

* 649 Call for bids for the Inverness Wastewater Force Main Cathodic Protection System, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162952. (Y-5)

* 651 Accept one Temporary Construction Easement and one Sewer Easement for the Richardson (#36) Sanitary Sewer Project, granted by Robert V. Denbo, Victoria A. Denbo, Wesley W. Cooke, and Jacqueline M. Cook, authorizing total payment of \$653 (Ordinance)

Disposition: Ordinance No. 162953. (Y-5)

* 652 Accept three Temporary Construction Easements for the Richardson (#36) Sanitary Sewer System Project, granted by Ronald A. McMahan, Constance L. McMahan, Stephen M. Butt, Patricia J. Butt, Randall P. Potter, and Margaret M. Potter, authorizing total payment of \$393 (Ordinance)

Disposition: Ordinance No. 162954. (Y-5)

* 653 Call for bids for the demolition of Hayden Island Wastewater Treatment Plant Project, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162955. (Y-5)

- * 654 Call for bids for the Columbia Boulevard Wastewater Treatment Plant Air Compressor equipment purchase, authorize a contract, and provide for payment (Ordinance)
Disposition: Ordinance No. 162956. (Y-5)
- * 655 Accept a Street Deed for the SE Harold Street from SE 92nd Avenue to SE 102nd Avenue Street Improvement Project, granted by Bonnie K. Gutfleisch, at no cost to the City (Ordinance)
Disposition: Ordinance No. 162957. (Y-5)
- * 656 Call for bids to widen SW Terwilliger Blvd. from SW Hamilton Terrace to SW Sam Jackson Road; authorize a contract, and provide for payment (Ordinance)
Disposition: Ordinance No. 162958. (Y-5)
- * 657 Authorize the Purchasing Agent to call for bids for the replacement of the SW 25th Ave. and SW Martha St. pedestrian bridge for the Bureau of Transportation Engineering, authorizing a contract and the drawing and delivery of warrants (Ordinance)
Disposition: Ordinance No. 162959. (Y-5)
- * 658 Grant a revocable permit to the City of Portland Water Bureau for electrical conduit in SE Clatsop Street adjacent to the Mount Scott Tank (Ordinance)
Disposition: Ordinance No. 162960. (Y-5)
- * 659 Authorize the Purchasing Agent to call for bids for the NE 47th Avenue Over Columbia Slough Bridge Replacement for the Bureau of Transportation Engineering, authorizing a contract, and the drawing and delivery of warrants and transfer funds within a fund (Ordinance)
Disposition: Ordinance No. 162961. (Y-5)
- Commissioner Dick Bogle**
- * 660 Call for bids to expand and remodel the Permit Center, authorizing a contract, and providing for payment (Ordinance)
Disposition: Ordinance No. 162962. (Y-5)

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Commissioner Bob Koch

- * 661 Call for bids for The Portland Building penthouse cooling improvements, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162963. (Y-5)

- * 662 Call for bids for Kelly Butte Tower Painting Project, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162964. (Y-5)

Commissioner Mike Lindberg

- 663 Accept contract with Conforth Consultants for safety report on Mt. Tabor Reservoir as complete and authorize final payment of \$7,681.50 (Report; Contract 25841)

Disposition: Adopted.

- 664 Approve retroactive property tax exemption for Oregon Parks Foundation, Inc. (Ordinance)

Disposition: Passed to second reading May 9, 1990.

- * 665 Accept three deeds for real property owned by the former Richland Water District on NE 140th Avenue, NE San Rafael and 140th Avenue, and NE San Rafael and 137th Avenue at no cost to the City (Ordinance)

Disposition: Ordinance No. 162966. (Y-5)

- * 666 Call for bids for the construction of 16-inch main in N. Marine Drive, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162967. (Y-5)

- 667 Delete requirement that Water Bureau collection agents be responsible for furnishing bonds (Ordinance; Amend Code Section 21.16.100)

Disposition: Passed to second reading.

- * 668 Authorize the Director of the Portland Development Commission and the Superintendent of Parks to enter into an agreement so that PDC can build a temporary roadway over Park Bureau managed property in the South Waterfront area of the Downtown Waterfront Urban Renewal Area (Ordinance)

Disposition: Ordinance No. 162968. (Y-5)

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- * 669 Authorize an agreement with the Japanese Garden Society of Oregon providing for the operation and management of the Japanese Garden in Washington Park (Ordinance)

Disposition: Ordinance No. 162969. (Y-5)

- * 670 Call for bids for Dolores Winningstad Theater, Portland Center for the Performing Arts, Balcony Column and Rail Modification, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 162970. (Y-5)

REGULAR AGENDA

- 650 Amend Title 24, Chapter 24.50 of the City Code to assign the responsibility of technical analysis of proposed watercourse alterations to the Sewer System Administrator (Ordinance)

Disposition: Referred to Commissioner of Public Works.

- 671 Conduct a comprehensive, two-phase power density survey of Healy Heights to measure the radio frequency electro-magnetic field in order to protect the public safety, establish policy guidance and set a baseline for future study (Resolution introduced by Commissioner Blumenauer and Commissioner Koch)

Discussion: Kevin Kohnstamm, Planning Bureau, said this proposal grew out of a request by Council for a master plan made at the time of its denial in January, 1990 of SMR's request for a conditional use. He said this will provide a base which can be easily replicated in later studies. This study is in two phases, one before and one after the KGON Tower is on line.

David Herman, SMR Network, said they met twice with the Healy Heights neighbors and though not unanimous the majority were in favor of this study. He said SMR wanted a broad band study of all emissions, not just FM, and would also like a narrow band study of their own emissions.

Doug Golden, President, Healy Heights Neighborhood Association, said problems associated with living near the towers have proliferated and that the neighborhood wants to know the total emission levels of all the towers together and of each one individually.

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Howard Mason, Vice-President, Healy Heights Neighborhood Association, said Richard Tell, who is to do the study, is one of the most reputable scientists in this field. He said they are concerned with the need for regular objective monitoring when the program is implemented and the need to bring interference within limits.

Dan Hearn, Vice-President, KGON, said he is convinced that the height of the KGON tower, when completed, will help the interference problems immensely.

Mayor Clark said this study is the first glimmer of hope he has seen in this situation.

Disposition: Resolution No. 34713. (Y-4; Bogle absent)

Mayor J. E. Bud Clark

- 672 Report to Council of PIC Job Training Plan for 1990-1992 (Report)

Discussion: Jim McAllister, PIC Board Member, said funds for this two-year program are allocated on the basis of the number of unemployed and low income persons in the area and that because unemployment has gone down, the program will receive fewer dollars in the next two years than it did in the last two.

Dennis Cole, PIC President, said the work force is changing dramatically, from an industrial to a service economy, and in order to get people to self-sufficiency higher skill levels are needed. The work force itself will see a significant increase in representation from women, minorities, drop-outs and others. While resources will be less, the cost to serve these groups is increasing.

Commissioner Bogle asked if PIC was willing to commit resources to a small targeted geographic area in the City along with other City resources to attack all the problems endemic to this neighborhood.

Mr. Cole said they would be willing to do so but that in some cases it might reduce resources available elsewhere.

Disposition: Adopted. (Y-5)

- 690 Recommend Approval of FY 1990-91 Metropolitan Exposition/Recreation Commission Proposed Budget pursuant to Intergovernmental Consolidation Agreement (Resolution)

Commissioner Lindberg noted that the consolidation agreement between the City and Metro calls for Council to review and approve the annual MERC budget. He said when the agreement was made one of principles was that MERC should be awarded the same status of autonomy under Metro as ERC was afforded under the City. Now, in reviewing the proposed Metro budget, some issues have come up dealing with the autonomy of MERC.

Commissioner Lindberg said the proposed MERC budget has moved a number of functions from MERC over to Metro resulting in a loss of control of personnel and purchasing functions and loss of the ability to solicit outside legal services without Metro approval.

Tim Grewe, Bureau of Financial Planning, said they had reviewed a number of issues identified in the Metro-MERC budget. He said they found that the imposition of excise taxes was in compliance, that Metro had the authority to charge for central services but that specific budgetary items were subject to Council review, and that there was no conflict of interest in Metro and MERC sharing legal counsel. They also studied the issue of autonomy and concluded that the rebudgeting of personnel, purchasing and \$30,000 in attorney fees to the Metro budget brings into question where the decision-making authority lies and the relationship between MERC and the Metro Council.

Mr. Grewe said this resolution, if approved, leaves with Council the right to review any future revisions to the Metro budget made by the Metro Council, which has not yet approved it.

Mitzi Scott, MERC Chair, said MERC has the responsibility for operating the facilities and would like commensurate authority to do so. She said there is a 30-year track record that has been enormously successful and that this is not an auspicious time to change functions that have worked very well for so long.

Ms. Scott said MERC does not concur that the changes made by Metro Council are in best interests of efficient and cost effective management. Ms. Scott said MERC feels that it has a unique function to run and that the decision-making authority should be delegated to the people with the most experience and responsibility for those decisions.

Sam Brooks, MERC Commissioner, said this is an issue not of efficiency but one of autonomy. He said any operation not in control of its personnel, is not in control. He said if the Commission does not have the authority to get the job done it becomes an advisory committee and should be so stipulated.

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David Knowles, Metro Councilor, said this discussion was a surprise to him and that this was the first time he had heard anyone say they could not live with the Budget Committee's proposal. He said the Metro Council had not adopted the budget, rather a committee has made some recommendations.

Commissioner Lindberg said Council has to act within a 45-day time frame and that the deadline for action is this week. He said the objections from MERC Commissioners and the Office of Fiscal Administration had arisen within the last twenty-four to forty-eight hours.

Mr. Knowles said the issue is not autonomy but a staff that has done things the way they have for thirty years and now their corporate culture is reacting to Metro's attempt to try to achieve some savings. He said the Budget Committee recommendations will result in central service savings and are the result of Metro's attempt to manage these assets in the most efficient way possible. He said MERC still has the authority to hire and fire, to contract, and to decide what kind of legal services they want and that Council should not second guess without having been through the budget deliberations.

Mayor Clark said MERC is not a bureau but more like the Portland Development Commission and that Metro needs to keep its word on this.

Mr. Knowles asked how Metro can do its job and guarantee public accountability for the tax dollars if it does not have the flexibility to make such budget adjustments. He said Council should not allow itself to become a court of appeals for every decision Metro makes that MERC does not like.

Commissioner Blumenauer said Council is locked into the 45-day schedule and if we have anything to say about it we have to say it now. He said Council is caught in the middle of the Metro process.

Mr. Knowles asked Council to forego adopting the amendments and said there is a clear record of concern by Council.

Commissioner Lindberg said he believed Metro's Executive would support the City position. He recommended that Council pass the amendments, adding that if Council does not act it loses all control over this. He said our goal is to negotiate but in order to accomplish that we need to take action now.

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Commissioner Lindberg moved the substitution. On second by Commissioner Bogle, the motion carried. (Y-5)

Commissioner Lindberg said an informal meeting with Metro and MERC to discuss these issues would be helpful.

Disposition: Substitute Resolution No. 34714. (Y-5)

- 673 Recommend transmittal of annexation case A-28-89 in the Loma Acres area to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

- 674 Authorize and direct the filing of annexation case A-28-89 in the Loma Acres area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34715. (Y-5)

- 675 Recommend transmittal of annexation case A-8-90 in the Lincoln Park area to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

- 676 Authorize and direct the filing of annexation case A-8-90 in the Lincoln Park area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34716. (Y-5)

- 677 Recommends transmittal of annexation case A-15-90 in the East Hazelwood area to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

- 678 Authorize and direct the filing of annexation case A-15-90 in the East Hazelwood area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34717. (Y-5)

- 679 Recommend transmittal of double majority annexation intent maps to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

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- 680 Authorize and direct the filing of a double majority intent map and written description with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34718. (Y-5)

Commissioner Earl Blumenauer

- 681 Provide for time and manner of constructing the Richardson, Englewood, and Floyd Light Sanitary Sewers (Hearing; Ordinance)

Discussion: Testimony on two remonstrances was heard.

Gary Haas, Business Manager, David Douglas School District, said they are concerned about paying for the assessments on seventeen properties, some of them very large. He asked for some type of assistance in paying for the hookup fees that can not be Bancrofted and may come close to equaling the estimated \$2,500,000 assessment they already face.

Chuck Nagle, Vice-President, Portland Adventist Hospital, said they had been staunch supporters of sewers since the mid-seventies. He said they believe the medical center is well served by the existing sewer and that the additional sewers do not benefit the hospital at all. He said the Mid-County Sewer office needs to do their homework and asked for modifications in how the lines are run and sized in order to put the cost with the users.

Commissioner Blumenauer asked Environmental Services to verify that the design issues are not finalized and that negotiations would still be open if Council accepted the Engineer's report.

Ron Sonnerberg, Environmental Services, said they are trying to accommodate the Hospital's needs as well as the rest of the district. The final design is still being determined.

Commissioner Blumenauer moved to overrule the remonstrances and pass the ordinance as recommended by the engineer. On second by Commissioner Lindberg, the motion carried (Y-5).

Commissioner Blumenauer said we need to make sure we follow up with David Douglas and that they be given as much of total picture as soon as possible so they can put that in their financial planning.

Disposition: Passed to second reading.

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682 Provide for time and manner of improving as a district: streets within the SE Mitchell/68th District HCD Improvement Project, and construction of sumps (Hearing; Ordinance)

Commissioner Blumenauer moved to overrule the remonstrances and pass the time and manner ordinance to a second reading. On second by Commissioner Bogle, the motion carried. (Y-5)

Disposition: Passed to second reading.

683 Amend Title 17, Chapter 17.36 of the City Code to revise sewer in-lieu-of assessment charges and to clarify definitions of dwelling units (Chapter 17.36.005), sewer user service charges (Chapter 17.36.010), and equivalent dwelling units (Chapter 17, Figure 4) (Ordinance)

Disposition: Passed to second reading.

* 684 Call for bids for furnishing all materials, equipment, and labor for the construction of the SW Woods Street Storm Sewer Outfall Extension, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162971. (Y-5)

* 685 Call for bids for the CBWTP Storm Drainage Storm Sewer System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 162972. (Y-5)

* 686 Call for bids for the SW Terwilliger Blvd Storm Sewer Project IV and V, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162973. (Y-5)

* 687 Call for bids for the NE Failing St. and NE 136th Ave. Storm Sewer System, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162974. (Y-5)

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- 688 Settle litigation and enter into agreement with National Advertising Company (Ordinance)

Discussion: Kathryn Imperati said the City Attorney's office recommends that this agreement, like the Ackerly agreement and the Meadow agreement to be considered next, all terminate as of a specific date rather than going on indefinitely. Two amendments proposed by the City Attorney's office, one to clarify the language in Directive C and one to add a new directive intended to make the National and Meadow agreements equivalent, were moved by Commissioner Blumenauer. On second by Commissioner Lindberg, the motion carried. (Y-5)

Disposition: Passed to second reading as amended.

- 689 Enter into agreement with Meadow Outdoor Advertising, Inc. (Ordinance)

Disposition: Passed to second reading.

Commissioner Mike Lindberg

- 691 Amend Ordinance No. 148251, which adopted an Energy Conservation Policy for Portland, by replacing it with a new Energy Policy (Second Reading Agenda 608)

Disposition: Ordinance No. 162975 as amended. (Y-5)

- 692 Prescribe the rates and charges for water and water-related services by the City of Portland during the fiscal year July 1, 1990 to June 30, 1991 and fixing an effective date (Second Reading Agenda 642)

Disposition: Ordinance No. 162976. (Y-5)

- 693 Reserve East Delta Park for a Sports Complex and direct the Park Bureau to work with the Portland Metropolitan Softball Association and other field sports users to bring back to Council the documents required to proceed with construction of the complex. (Previous Agenda 597)

Disposition: Referred to Commissioner of Public Affairs.

- * 694 Authorize the Purchasing Agent to call for bids for site improvements to the Overlook House Community Center and grounds, located at 3939 N. Melrose, Portland (Ordinance)

Disposition: Ordinance No. 162977. (Y-4)

At 11:30 a.m., Council was recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF APRIL, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Bogle, and Lindberg, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer John Wrigley, Sergeant at Arms.

REGULAR AGENDA

695 Grant appeals of Park Tower Apartments, applicant, and Macheesmo Mouse, Inc., tenant, and overturn Design Commission's decision to deny application to change the condition on the exterior facade of the Macheesmo Mouse restaurant at 723 SW Salmon Street (Findings; DZ 65-89)

Discussion: Kathryn Imperati, City Attorney, said she had reviewed the findings prepared by appellant's attorney and that they could be adopted.

Disposition: Findings adopted. (Y-3)

At 2:05 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council