



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF JANUARY, 1992 AT 9:30 A.M.

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

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

Mayor Clark noted that the City had been awarded the 1991 Excellence in Financial Management award from the U.S. Conference of Mayors and AMBAC Indemnity Corp.

Steve Bauer, Director of the Office of Finance and Administration, recognized the work of three groups in obtaining this award: the Council, employees in the Office of Finance and Administration and the Portland Development Commission.

Agenda No. 154 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**152** Request from Paul McCoy, Rose City Parking, for Council hearing on parking operator bid practices (Communication)

**Disposition:** Referred to Commissioner of Finance & Administration.

**153** Cash Investment Balances for December 19, 1991 through January 15, 1992 (Report; Treasurer)

**Disposition:** Placed on file.

**155** Accept bid of Familian Northwest Inc., for furnishing brass service fittings for \$48,248 (Purchasing Report - Bid 44A)

**Disposition:** Accepted.

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**156** Accept bid of Kent Meters, Inc., for furnishing small domestic meters for \$136,108 (Purchasing Report - Bid 46A)

**Disposition:** Accepted.

**157** Accept bid of First Cascade Corporation for Mid-County Sewer Project tenant improvements for \$68,000 (Purchasing Report - Bid 51)

**Disposition:** Accepted.

**158** Accept bid of Benge Construction Company for 8" and 12" water mains on NE Meadow Drive for \$37,517 (Purchasing Report - 53)

**Disposition:** Accepted.

**159** Accept bid of B L & B Contractors, Inc., for NE 60th Avenue and NE Emerson Street storm water sumps for \$73,796 (Purchasing Report - Bid 54)

**Disposition:** Accepted.

**160** Accept bid of Les Brown Excavating for SW 44th Avenue storm sewer for \$56,392 (Purchasing Report - Bid 55)

**Disposition:** Accepted.

**Mayor J. E. Bud Clark**

**161** Authorize advance refunding plans for Refundable Bonds (Resolution)

**Disposition:** Resolution No. 34940. (Y-5)

**\*162** Authorize an Intergovernmental Agreement between the City and Tri-Met to arrange for provision of transmission services to Tri-Met through the City's contract with Cellular One (Ordinance)

**Disposition:** Ordinance No. 165003. (Y-5)

**\*163** Pay claim of Kathleen Hawkins-Robello (Ordinance)

**Disposition:** Ordinance No. 165004. (Y-5)

**\*164** Pay claim of St. Clair Main (Ordinance)

**Disposition:** Ordinance No. 165005. (Y-5)

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- \*165** Ratify a Memorandum of Understanding which modifies the labor agreement between the City of Portland and the District Council of Trade Unions (DCTU), AFSCME Local 189, representing employees in the Bureau of Emergency Communications (BOEC), and Municipal Employees Local 483 representing Recreation Instructors, relating to terms and conditions of health and welfare benefits of represented employees (Ordinance)

**Disposition:** Ordinance No. 165006. (Y-5)

- \*166** Authorize an agreement with Public Financial Management, Inc., for financial advisory services (Ordinance)

**Disposition:** Ordinance No. 165007. (Y-5)

**Commissioner Earl Blumenauer**

- 167** Set hearing date, 9:30 a.m., Wednesday, March 4, 1992 to vacate portions of SW Palatine, Buddington and Coronado Streets, between SW 39th Avenue and SW 43rd Avenue, and portions of SW 39th, 41st and 43rd Avenues between SW Palatine Street and SW Coronado Street (Report; Petition; C-9771)

**Disposition:** Adopted.

- 168** Accept completion of the SW Kingston Avenue, SW Parkside Drive to SW Fairview Boulevard Reconstruction Project by Bob's Sanitary Service and make final payment (Report; Contract No. 26965)

**Disposition:** Accepted.

- 169** Accept completion of the Columbia Boulevard Wastewater Treatment Plant air compressor installation project and make final payment (Report)

**Disposition:** Accepted.

- 170** Accept completion of the SW Coronado Street improvement, approve Change Order Nos. 1 through 5 and authorize final payment (Report; Contract No. C-9723)

**Disposition:** Accepted.

- 171** Accept petition and adopt Resolution to improve SW Carson Street from the east line of SW 35th Avenue to approximately 305 feet east, and to construct a storm sewer system (Report; C-9795)

**Disposition:** Accepted.

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**172** Direct the City Engineer to prepare plans, specifications and cost estimates for street and storm sewer improvements on SW Carson Street, from the east line of SW 35th Avenue to approximately 305 feet east (Resolution; C-9795)

**Disposition:** Resolution No. 34941. (Y-5)

**\*173** Accept a street deed for the future widening of SW Stephenson Street east of SW 34th Avenue, granted by Daniel L. Fellman, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 165008. (Y-5)

**\*174** Accept a sewer easement for the Irvington LID Sanitary Sewer Project, granted by Dorothy E. Wells, and pay \$500 (Ordinance; C-9775)

**Disposition:** Ordinance No. 165009. (Y-5)

**\*175** Accept a sewer easement for the Mill Park Sanitary Sewer Project, granted by Rita K. Koch, authorizing payment of \$100 (Ordinance; C-9777)

**Disposition:** Ordinance No. 165010. (Y-5)

**\*176** Accept a sewer easement for the Mill Park Sanitary Sewer Project granted by Betty J. Blotzer, authorizing payment of \$100 (Ordinance; C-9777)

**Disposition:** Ordinance No. 165011. (Y-5)

**\*177** Accept two sewer easements for the Mill Park Sanitary Sewer Project granted by Duane E. Bankofier, Sharon I. Bankofier and Jody A. Valencia, authorizing total payment of \$286 (Ordinance; C-9777)

**Disposition:** Ordinance No. 165012. (Y-5)

**\*178** Increase contract amount by authorizing Change Orders Nos. 1 and 2 with System Construction Company for \$20,331 and add 21 days to the length of the contract (Ordinance; amend Contract No. C-9733)

**Disposition:** Ordinance No. 165013. (Y-5)

**\*179** Consent to transfer of Pioneer Sanitary Service, Inc., franchise to Trashco Services, Inc. (Ordinance)

**Disposition:** Ordinance No. 165014. (Y-5)

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- \*180** Call for bids for the construction of the sludge cake handling improvements at the Columbia Boulevard Wastewater Treatment Plant, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165015. (Y-5)

- \*181** Call for bids for the Tryon Creek Wastewater Treatment Plant bar screen equipment purchase, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165016. (Y-5)

**Commissioner Gretchen Kafoury**

- \*182** Authorize application to the U.S. Department of Housing and Urban Development for an Emergency Shelter Grant under Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987 in the amount of \$207,000 (Ordinance)

**Disposition:** Ordinance No. 165017. (Y-5)

- \*183** Contract with the Black United Fund of Oregon, Inc., to provide support for the coordination of the North/Northeast Economic Development Alliance and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165018. (Y-5)

**Commissioner Mike Lindberg**

- 184** Accept contract with John Arnold Co. for 8-inch & 6-inch D.I. water mains as complete, release retainage and authorize final payment (Report; Contract No. 27107)

**Disposition:** Accepted.

- \*185** Amend Code provisions relating to fees at Portland International Raceway (Ordinance; amend Section 20.36.010, repeal and replace Section 20.36.030 and repeal Section 20.36.040)

**Disposition:** Ordinance No. 165019. (Y-5)

- \*186** Call for bids to construct Whitwood Pump Station and rehabilitate Springville Pump Station, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165020. (Y-5)

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- \*187** Authorize an agreement not to exceed \$26,000 for programming of the Bureau of Water Works' SAS Conversion without advertising for bids and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165021. (Y-5)

- \*188** Amend contract with CH2M-Hill Northwest, Inc., to study water source options to meet future water needs (Ordinance; amend Contract No. 26708)

**Disposition:** Ordinance No. 165022. (Y-5)

- \*189** Authorize a contract with the City of Chicago on behalf of the Urban Consortium Energy Task Force for \$46,000 for fulfilling the role of Chair of Urban Consortium Energy Task Force (Ordinance)

**Disposition:** Ordinance No. 165023. (Y-5)

**City Auditor Barbara Clark**

- \*190** Cancel sidewalk assessments (Ordinance; amend 164664)

**Disposition:** Ordinance No. 165024. (Y-5)

**REGULAR AGENDA**

- 154** Accept bid of Russell Construction Inc., for Portland Building lobby renovation (rebid) for \$297,924 (Purchasing Report - Bid 30)

**Discussion:** Cay Kershner, Clerk of the Council, said that the Purchasing Agent had requested a one week continuance.

**Disposition:** Continued to February 5, 1992 at 9:30 a.m.

- 147** **TIME CERTAIN: 9:30 AM** - Accept the report of the Bureau of Traffic Management on the Eastmoreland Neighborhood Traffic Management Project (Report introduced by Commissioner Blumenauer)

**Discussion:** Commissioner Blumenauer said this traffic plan has resulted in a reduction of 4,000 cars per day in the affected area. Neighborhood interest has been very high and some concerns about process have been identified which may call for reevaluation of the way things are currently done.

Jamie Throckmorton, Project Manager for the Eastmoreland Neighborhood Traffic Management Project, said the purpose of the project was to eliminate a cut-through problem in the northern portion

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of the neighborhood and address problems on SE Martins, Tolman and Bybee streets. He said they experimented with as many as 21 devices at 17 locations on the three streets but are now down to nine traffic devices at eight locations. He said the goal of the traffic committee was to strike a balance between three objectives: 1) address as many neighborhood traffic problems as possible; 2) keep costs as low as possible and; 3) minimize impact on non-project streets.

Mr. Throckmorton said the only negative impact has been an increase of 180 cars per day on SE Knapp which they believe is acceptable. He said 92 per cent of those residents eligible to vote participated in the election, with a majority approving the diversion. He said issues have been raised regarding the balloting process and a request has been made to have the City Auditor audit the project. Mr. Throckmorton said the Auditor believes such an audit would set a bad precedent and prefers not to conduct one unless so directed by Council. Traffic Management staff believes it handled the ballot process correctly and does not believe an audit is warranted.

Commissioner Kafoury asked about the cost and whether speed bumps would have provided less costly diversion.

Mr. Throckmorton said the City Engineer historically has not approved speed bumps but they are currently doing some testing to see if they might be appropriate. He said Eastmoreland, because of its curved and sloped streets, is not a particularly appropriate site for them.

Commissioner Kafoury asked if these projects were ever done through local improvement projects with the residents contributing to the cost.

Mr. Throckmorton said it has been discussed but the question arises about what happens in poorer neighborhoods.

Commissioner Blumenauer said he was surprised about the test results for the speed bumps and the mixed reviews from residents. He said it is turning out to be more controversial than expected.

Kelly Mackin, 3231 SE Bybee, Eastmoreland Neighborhood Traffic Management Committee, described their longstanding concerns with traffic, especially cut-throughs. She said the Committee has always tried to be fair and arrive at compromises if possible. She noted that, in addition to reducing the number of cars per day, the project has reduced speed and accident rates. She added that 60 per cent of those eligible to vote approved the project.

Bob Nesler, President, Eastmoreland Neighborhood Association, said in 1987 the Board sought the City's assistance in dealing with serious traffic problems. The Board requested that the entire neighborhood be

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allowed to vote on this project. City requirements restrict eligible voters to those who live within the impact area. He said the lack of a full neighborhood vote has caused considerable controversy and raised objections about traffic diversion. For this reason, the Board has not taken a position either in favor or against the project.

Speaking individually, Mr. Nesler supported the plan. He said traffic volumes are down dramatically, except for small increases on two other streets. Speeds are also down dramatically.

Joe Voboril, 3017 SE Claybourne, charged that more than 70 per cent of the committee lived on the three affected streets and were responsible for diverting the traffic off their streets onto others. He said this program allows citizens to express their private interests as the public interest. He noted that only those in the impact area could vote and described this area as very irregular and gerrymandered in such a way as to include all the benefitted streets, but as few of the affected streets as possible. He said shifting the traffic southward onto Rex and Knapp will increase safety concerns there.

Individuals speaking in support of the project included:

Lon Peters, 3427 SE Tolman  
Susan Buys, 3117 SE Martins  
Norm Rickles, 30th and Tolman  
Vitz Ramsdell, 3011 SE Bybee  
Stacey White, 7429 SE 28th  
Molly Bloom, 3206 SE Tolman  
Jack Hall, 3427 SE Bybee  
Kim Manley, 7033 SE 34th  
Jim Wygant, 37311 SE Henry

Supporters said the goal of the project was not to divert traffic but to reduce traffic speed and volume. They said the devices are working and that the project goals have been achieved. They said the City acted fairly in a process that is confusing and denied that the private interest of Committee members controlled the outcome.

Individuals speaking in opposition to the project included:

Pam Lorivande, 3107 SE Knapp  
Shelly Voboril, 3017 SE Claybourne  
Carolyn Landsverk, 6120 SE 32nd  
Nancy Pape, 6259 SE 32nd

Opponents objected to the lack of a neighborhood vote, manipulation of the voting boundaries and the high cost (\$300,000). They said the

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process pitted neighbor against neighbor. Several said they felt betrayed to learn that the stop signs at 32nd and Tolman would be removed.

Mr. Throckmorton said his office had concluded that because of the reconstruction at the 32nd and Tolman intersection, it would work better if the north and south stop signs were removed. The Committee agreed conditionally and the Office will monitor the change for adverse effects. He said part of the problem with stop signs is that people run them if they are located inappropriately.

Commissioner Kafoury asked why they would want to risk having an accident there first and then correcting it.

Mr. Throckmorton said he believes the potential for an accident is higher with the stop signs in place.

Commissioner Kafoury moved to amend the report to retain the 32nd and Tolman stop signs for the time being. Commissioner Blumenauer seconded.

Commissioner Bogle asked why people did not obey the stop sign.

Kathy Mulder, Associate Traffic Engineer, explained that the redesign of 32nd and Tolman, essentially making two T intersections out of it, would require that stop signs on 32nd be placed far back from the intersection, making for confusion about who has the right-of-way. She said they plan to monitor the street and address any adverse impact that might arise.

Commissioner Blumenauer said unfortunately traffic control is not an exact science. He said he has found that traffic professionals really do provide objective data but that there will be accidents no matter what is done. He said if Council retains the stop signs he believes there is a higher likelihood of accidents but is willing to go along with it because other issues are involved. He asked Traffic Management and the neighborhood to monitor and report back to Council every 90 days.

Mayor Clark asked why the four-way stop could not be retained since it had been working fairly effectively.

Mr. Throckmorton said the replacement device on 32nd and Tolman is largely responsible for 400 fewer vehicles per day on Tolman and also slows traffic on the approaches.

The Mayor called for a vote on the amendment proposed by Commissioner Kafoury to retain the stop signs. The amendment passed. (Y-4; N-1, Clark)

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Commissioner Blumenauer said despite the controversy surrounding this and other traffic management projects, they do work. He said a review of the Neighborhood Traffic Management Program will come before Council in March, providing an opportunity to consider changing the rules about who participates. He said problem streets do not necessarily respect neighborhood boundaries and perhaps the boundaries should be redrawn to reflect traffic patterns.

Commissioner Lindberg said the public benefits are overwhelming and this project will solve about 90 per cent of the traffic problems in the neighborhood.

**Disposition:** Adopted as amended. (Y-5)

**148** **TIME CERTAIN: 10:30 AM** - Establish an implementation framework for a revised financial program to expand the sewer cost assistance program for owners of eligible properties in the State-Mandated Portland Mid-County Sewer Project area (Resolution introduced by Commissioner Blumenauer)

**Discussion:** Commissioner Blumenauer said today Council will consider and take public testimony on the nine-point resolution. He said last week Council adopted a resolution agreeing that Mid-County sewer costs were too high for family home owners and should be shared. This week's resolution prescribes the specific steps that must be taken to implement this relief at the least possible cost to rate payers. He said it meets the four objectives that the Mid-County Cost Alternatives Task Force said must be addressed -- affordability, equity, uncertainty and cost. He said it will reduce the average assessment 36 percent, provide a cesspool credit, and allow certainty about rates. He said the top priority for paying for the project is to cut costs by building it faster and cheaper. He is also proposing creation of a sewer rate stabilization and capital construction fund using a portion of the utility franchise fees.

Gordon Wilson, Office of Finance and Administration, summarized the expected costs of various components of the plan, including the cesspool credit, large lot deferral and an expanded private plumbing loan program. He said the total estimated cost impact in 1991 dollars is about \$88,000,000 of which about \$19,000,000 could conceivably be repaid over time. He said his office recommends that the benefits of any financial assistance program be restricted to City residents or to those who consent to be annexed, which would reduce the \$88,000,000 cost somewhat, depending on the number who consent to be annexed. Any financing plan would include creation of a fund supported by utility franchise fees paid by the water and sewer funds.

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Commissioner Bogle asked about the cost of the safety net interest pick up, noting that three Council members are on record as favoring extending the safety net not only to those over 62 but to low income individuals as well.

Mr. Wilson said his figures reflect only the cost of the safety net for those over 62 but that he could furnish figures regarding the expanded program next week.

Commissioner Lindberg said he thought there was a longer payout period with lower annual costs and asked about the long term impact on the budget of taking money from the franchise fees.

Mr. Wilson said the long term pay out was projected to be 27 years, assuming the project lasts seven years and the bonds last 20 years.

Commissioner Blumenauer said initially the costs are higher because you are dealing with the retroactive aspect, for which the City cannot sell bonds.

Dennis Buchanan, 1624 SW Upland Drive, said it is not fair to persons outside Mid-County to cap the sewers below their true cost. He said this gives Mid-County residents a windfall and supported assessing the full cost to benefitted properties.

Individuals speaking in support of the resolution included:

Dave Pietka, 2650 NE Alameda, Mid-County Sewer Task Force member  
Dave Nelson, Mid-County Sewer Task Force member  
Sonny Condor, 3805 SE Knapp  
Tom Markgraf, Piedmont Neighborhood Association Land-Use Chair  
Charles Lawrence, 10345 SE Market Drive

Individuals speaking in support of a flat cap on all sewers, regardless of lot size, or with concerns about the cost to owners of large lots included:

Margaret Wolff, 14120 SE Hawthorne Court  
Nick Vidan, 4711 SE Holman  
Chris Dwyer, Cully Neighborhood Association  
Karen Jenkins, Portland Organizing Project  
Lee Hildebrandt, 5545 NE Simpson

Many also called for increasing the cesspool credit, extending the safety net to include low income residents as well as those over age 62 and reviewing the equity issues associated with CSO costs.

Allen Abrahamson, 10919 SE Stephens, asked that interest on escrow funds not be diverted into the City's general fund.

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Dennis Richey, representing the East Portland District Coalition, called for equal treatment of all Mid-County residents regardless of lot size and for an increase in the cesspool credit to cover the hookup cost. He said zero percent loans should be available to both senior and low-income residents. He called for formation of a watchdog committee to oversee implementation and for creation of a Citizens Utility Board.

Bob Luce, ECCCO, said the proposals before Council are inadequate. He outlined ECCCO's recommendations which include making the cap retroactive, deferring the "in lieu" charge until a property is sub-divided, increasing the cesspool and tax credits, and extending zero percent interest to all low income families, not just seniors. He also urged an independent audit of Mid-County sewer project and creation of a task force to study equitable financing of all sewer projects.

Father Jack Mossbrucker, Portland Organizing Project, said while large lots remain an issue, POP is convinced that everyone now wishes to move forward and find compromises. He supported a \$3,500 cap on all lots retroactive to all Mid-County sewers and development of low cost loans.

Fred Pierce, 13022 SE Foster Road, said the State mandated these sewers and the State should bond them, not the City.

Jean Orcutt, United Citizens, said they are not convinced changing to a CIP and accelerating the project will reduce costs. They oppose allowing developers to defer their sewer costs on vacant land. She outlined the United Citizens position on various financing proposals and and questioned the legality of financing major capital improvements such as the CSO project through user fees. She objected to having Mid-County residents subsidize the CSO project through the imposition of monthly user fees and emphasized the need for an independent audit.

Commissioner Kafoury called for the budget office to look at this in terms of City residents. She said it was her desire to have any benefits apply only to City residents.

Commissioner Bogle said he agreed.

**Disposition:** Continued to February 6, 1992 at 2:00 p.m. Time Certain.

Council agreed to continue agenda items 149-151 and all items on the Regular Agenda (191-195) to the 2:00 p.m. session.

At 12:07 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF JANUARY, 1992 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Items continued from the morning Council session were taken up first.

- \*149** Call for bids for the Woodland Sanitary Sewer System Project, authorize a contract and provide for payment (Ordinance; C-9776)

**Disposition:** Ordinance No. 165025. (Y-5)

- \*150** Call for bids for the Irvington Sanitary Sewer System Project, authorize a contract and provide for payment (Ordinance; C-9775)

**Disposition:** Ordinance No. 165026. (Y-5)

- \*151** Call for bids for the Mill Park Sanitary Sewer System Project, authorize a contract and provide for payment (Ordinance; C-9777)

**Disposition:** Ordinance No. 165027. (Y-5)

## **REGULAR AGENDA**

### **Mayor J. E. Bud Clark**

- 191** Reauthorize filing annexation case in Hazelwood with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-8-91)

**Disposition:** Resolution No. 34942. (Y-5)

### **Commissioner Earl Blumenauer**

- 192** Support Joint Policy Advisory Committee on Transportation (JPACT) Resolution 91-1526 and adopt additional recommendations proposed by the Office of Transportation (Resolution)

**Discussion:** Commissioner Blumenauer said staff was available for a presentation.

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Council members indicated they had been briefed previously.

**Disposition:** Resolution No. 34943. (Y-5)

- \*193** Release the retainage on "Super I" Local Improvement District to the contractors for the Englewood, Floyd Light and Richardson Sanitary Sewer Local Improvement District projects (Ordinance; amend Contract Nos. C-9700-1, C-9700-2, C-9700-3, C-9700-4, C-9701 and C-9702)

**Disposition:** Ordinance No. 165028. (Y-5)

**Commissioner Mike Lindberg**

- \*194** Accept a U.S. Department of the Interior, National Park Service, Urban Park and Recreation Recovery grant in the amount of \$250,000 for Phase II improvements to the Matt Dishman Community Center (Ordinance)

**Disposition:** Ordinance No. 165029. (Y-5)

- \*195** Authorize an Intergovernmental Agreement with the Multnomah County Community Action Office for \$122,000 to provide services for implementing the Block-by-Block weatherization program (Ordinance)

**Disposition:** Ordinance No. 165030. (Y-5)

- 197** Appeal of Jim Breslin Properties against Hearings Officer's decision to impose Conditions A and F in approving a request to amend a previously approved zone change in order to use for parking purposes property located north of NE Halsey Street between 34th and 35th Avenues (Previous Agenda 139)

**Discussion:** Cay Kershner, Clerk of the Council, said there had been a request to continue this. The Mayor so ordered.

**Disposition:** Continued to February 5, 1992 at 2:00 p.m.

- \*196** **TIME CERTAIN: 2:00 PM** - Authorize a contract with Woodward-Clyde Consultants to provide professional engineering services to prepare the Johnson Creek Resources Management Plan, part of the Clean River Program, and provide for payment (Ordinance)

**Discussion:** Commissioner Blumenauer said this is very good news in terms of the development of the Johnson Creek Plan. He said it is a multi-objective approach that goes beyond just looking at water quality improvements.

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Mary Nolan, Director of the Bureau of Environmental Services, said Johnson Creek is one of the few remaining free-flowing streams in the City and a major recreation site for the Portland area. She detailed the effects of poor water quality in the Creek today as well as the high incidence of flooding.

Ms. Nolan said a Johnson Creek Corridor Committee has been formed to provide advice and recommendations during preparation of the Comprehensive Plan, which will take two years. She outlined its goals and noted that the EPA has determined that Johnson Creek violates current water quality standards and has ordered the City to prepare a compliance plan by May, 1993.

Linda Bauer, 6232 SE 158th, a member of the Johnson Creek Corridor Committee, said the committee has reached consensus about what actions will best protect the Creek.

Clifton Lee Powell, Chair of Friends of Johnson Creek, said this is an action-oriented process based on one used successfully in Berkeley. He said water quality is the major issue, stating that the Creek has the dubious distinction of having the highest number of fish kills in the State.

Merrie Miller, Johnson Creek Corridor Committee member, said their major concern was flood control.

Mark Hughes, 3006 SW 6th, a member of Nature Conservancy and the Corridor Committee, said this action plan is an excellent example of government/citizen cooperation.

Steve Johnson, 3707 SE Johnson Creek Blvd., said he believes this effort has brought increased cooperation by going beyond simply dealing with the flooding problem. He said there are no easy solutions, particularly in an urban area that has seen such phenomenal growth.

Nancy Chase, Multnomah County Parks Services Division, and Corridor Committee member, said the County is reviewing a number of tax-foreclosed and surplus properties to see if they would be of use in the Corridor project.

Commissioner Lindberg asked if all the money called for in this contract would go for planning or if any would actually go to pay for improvements.

Jim Soli, Bureau of Environmental Services, said this money is primarily for planning and includes feasibility evaluations for specific

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projects so that when it is practicable to proceed, they will return to Council for the funds.

Jack Fallman, Bureau of Environmental Services, said they are looking for near term opportunities for implementation as well.

**Disposition:** Ordinance No. 165031. (Y-5)

At 4:10 p.m., Council recessed.

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

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

**Commissioner Earl Blumenauer**

**198** Accept Richard Tell's final report titled, An Investigation of Radiofrequency Fields of Healy Heights, Portland, Oregon Phase II (Report)

**Discussion:** Commissioner Blumenauer said Mr. Tell's report gives the City the data it needs to make decisions about the towers.

Richard Tell, Consultant, gave a brief overview of the Healy Heights Radiofrequency project. He said an EPA study of RF fields in 1986 aroused Healy Heights residents concerned about RF interference and possible health effects. He said a proposal to erect a new KGON tower led to a decision to evaluate the effect of the new tower on environmental RF field levels. Objectives of the study were to measure the levels and determine the relative contribution of the different stations broadcasting from Healy Heights.

Mr. Tell said measurements were taken both before and after all the FM stations began using the KGON tower. The results show that power densities have shifted downwards, indicating that raising the tower and relocating the stations have resulted in much lower ambient field levels.

Bill Zimmerman, 4444 SW Carl Place, read a statement from the Healy Heights Neighborhood Association, urging additional scientific studies regarding the effect of broadcasting emissions on electronic equipment and the resulting malfunctions. He said he was pleased to learn that a committee to address these concerns is to be formed.

Bill Conley, SW Carl Place, said this is the eighth major step in this long and difficult process.

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Commissioner Blumenauer said this report allows the City to document why the tower needed to be as high as it is. There are still some problems with interference but the prime concern, with health hazards, has now been dealt with.

**Disposition:** Accepted. (Y-5)

**Commissioner Dick Bogle**

**199** Liquor license renewal application for Marcy and Edgar Pinilla, dba Starting Point Tavern, 302 NW 6th, Retail Malt Beverage license (renewal); unfavorable recommendation (Report)

**Discussion:** Henry Emrich, License Bureau, said Starting Point caters to a transient population resulting in a high number of Police interventions. Staff recommends that an unfavorable recommendation be forwarded to the OLCC.

Ron Beard, Police Bureau, said problems still persist at this location and more neighborhood complaints have been generated by this tavern operation than any other in the area.

Edgar Pinilla, owner of The Starting Point, said he was new to the area, had never owned a bar before and was surprised by the problems he has had. He described his attempts to monitor the clientele and to comply with OLCC requirements. He said he was told in June, 1991 that the OLCC had no concerns except about fights in the area. He said in September the Police began coming in four or five times a day to check everyone's ID.

Commissioner Blumenauer asked him what the problem was inside his bar.

Mr. Pinilla said there is no problem within his bar and he cannot be held responsible for what goes on in the streets. He said it is not his tavern that is causing the problem and he should not be penalized with the loss of his livelihood because of what goes on in the area.

Individuals supporting the License Bureau's unfavorable recommendation included:

Wylie King, Everett Station Lofts  
Willie Brown, Burnside Concerns employee  
Martin Soloway, Everett Station Lofts  
Ryan Swallow, 625 NW Everett  
Anna Abraham Gamble, Everett Station Lofts manager

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Pamela Knopf, Everett Street Lofts  
Patricia (no last name), artist resident at Everett Street Lofts

Opponents of the licensee said they had observed drug deals going on there constantly, endangering residents of the Everett Street Lofts and Sally McCracken building and driving away potential tenants and customers from nearby businesses.

Commissioner Bogle moved to sustain the unfavorable recommendation. Commissioner Lindberg seconded and roll was called. (Y-5)

Commissioner Blumenauer said there seems to be a serious problem here and recommended that the License and Police bureaus make an aggressive case for non-renewal of the license before the OLCC.

Commissioner Bogle directed the License Bureau to report to his office and said if the problems persist Council should move for immediate closure.

Officer Beard said the specified crime ordinance letter has already been delivered to the owners and that might be another option for taking action if the OLCC does not move quickly.

**Disposition:** Unfavorably recommended. (Y-5)

Commissioner Bogle moved consideration of an item under the Four Fifths Agenda. Commissioner Kafoury seconded and the motion carried. (Y-5)

#### **FOUR FIFTHS AGENDA**

**\*200** Authorizing use of public streets for market survey (Ordinance introduced by Commissioner Bogle)

**Discussion:** Gary McGrew noted the City ordinance prohibits the consumption of alcoholic beverages on public streets. Passage of this ordinance would allow a major beer company to conduct and film 150 consumer taste tests on Portland sidewalks in February for a commercial.

Mr. McGrew described the proposed arrangements and said they have been approved by the Police, OLCC and Traffic Management. He said they believe this poses no threat to public safety and that the City will benefit from the filming of this commercial.

Commissioner Lindberg said the City has been trying to encourage the making of commercials here and asked if there was any economic benefit to Portland since all the major parties are from out of the City.

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Greg Penner, 104 High Street, Oregon City, said the out-of-town parties usually hire local persons and companies to work on this project. He said he is comfortable in participating in this job because it will be happening in a very confined environment.

Mayor Clark said he could not vote for this because he does not believe in this form of advertising.

Commissioner Bogle agreed with Mayor Clark.

Commissioner Blumenauer said, with two Commissioners opposing it, it is clear this will not pass as an emergency ordinance. He suggested referring this back to see if something else can be worked out .

Mr. McGrew said a decision is needed quickly.

Commissioner Lindberg said since they have been trying to get commercials in Portland he would appreciate not having a four to one vote against it. He wondered if there was any way to reframe it so that public streets are not involved.

Commissioner Blumenauer moved that this be referred to Commissioner Lindberg's office.

**Disposition:** Referred to the Commissioner of Public Affairs.

At 3:15 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

  
By Cay Kershner  
Clerk of the Council