



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF JUNE, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle, Kafoury and Lindberg, 4.

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

Agenda Nos. 1061 and 1078 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1051** Return Purchase Report to Council and recommend that bid of Copenhagen Utilities and Construction, Inc., for Neighborhood Traffic Management Program West Hollywood Fred Meyer for \$112,036 be accepted as amended (Purchasing Report - Agenda Item 823)

Disposition: Accepted; prepare contract.

- 1052** Accept bid of Ben-Ko-Matic Brush and Equipment Company for furnishing one mechanical street sweeper for \$93,968 (Purchasing Report - Bid 147)

Disposition: Accepted; prepare contract.

- 1053** Accept bid of Arrow Transportation Company for sludge hauling services for Tryon Creek Wastewater Treatment Plant for \$277,040 (Purchasing Report - Bid 151)

Disposition: Accepted; prepare contract.

- 1054** Accept bid of Goldie Gentle Construction, Inc., for Eastmoreland Neighborhood Traffic Management Program for \$146,126 (Purchasing Report - Bid 154)

Disposition: Accepted; prepare contract.

June 10, 1992

- 1055** Accept bid of Wildish Paving Company, dba Wildish Building Company, for aeration tank modifications at Columbia Boulevard Wastewater Treatment Plant for \$7,341,000 (Purchasing Report - Bid 160)

Disposition: Accepted; prepare contract.

- 1056** Accept bid of Hydro Temp Mechanical, Inc., for Multnomah Art Center HVAC Remodel for \$362,500 (Purchasing Report - Bid 166)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

- *1057** Call for bids for remodeling the Police Photo-lab, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165513. (Y-4)

- *1058** Pay claim of Sethyn Lynne Bryan (Ordinance)

Disposition: Ordinance No. 165514. (Y-4)

Commissioner Earl Blumenauer

- 1059** Accept completion of the NW Harbor Boulevard Sewer Reconstruction, approve Change Order No. 1 and make final payment (Report; Contract No. 27115)

Disposition: Accepted.

- 1060** Accept completion of the N Saratoga/Dekum HCD improvement, approve Change Order Nos. 1, 2 and 3 and recommend that final payment be made (Report; C-9742)

Disposition: Accepted.

- *1062** Authorize a professional services agreement with JHK & Associates to provide modifications to the central traffic signal control system without advertising for bids (Ordinance; waive Code Chapter 5.68)

Disposition: Ordinance No. 165515. (Y-4)

June 10, 1992

- *1063** Authorize agreements with several parties for the conveyance of property to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payment of expenses (Ordinance)

Disposition: Ordinance No. 165516. (Y-4)

- *1064** Authorize a contract with Cascade Earth Sciences for a certain sampling and analyses of sludge amended soils (Ordinance)

Disposition: Ordinance No. 165517. (Y-4)

- *1065** Adjust rates for the repair of sidewalk and driveway (Ordinance; amend Code Section 17.28.140)

Disposition: Ordinance No. 165518. (Y-4)

- *1066** Amend Section 17.24.020, Fees for Street Use Permits, of the City Code to provide for adjustments in street use permit fees and establish an effective date (Ordinance; amend Code Section 17.24.020)

Disposition: Ordinance No. 165519. (Y-4)

Commissioner Dick Bogle

- *1067** Agreement for services with Tri-Data Corporation for \$160,597 (Ordinance)

Disposition: Ordinance No. 165520. (Y-4)

- *1068** Amend contract with Boyer and Associates to increase the total compensation by \$7,500 for staffing services to the Portland Fire Bureau Study Citizens Committee and authorize payment (Ordinance; amend Contract No. 27508)

Disposition: Ordinance No. 165521. (Y-4)

- *1069** Amend Ordinance No. 161589 to delete Chapter 16.40 and provide that existing Chapter 16.48, Taxicab Code, will remain in effect (Ordinance; amend Code Chapter 16.40)

Disposition: Ordinance No. 165522. (Y-4)

- *1070** Call for bids for 1992/93 Fiscal Year annual supply contracts for City bureaus and departments, authorize contracts and provide for payment (Ordinance)

Disposition: Ordinance No. 165523. (Y-4)

June 10, 1992

Commissioner Gretchen Kafoury

- *1071** Amend the Comprehensive Plan Map and change the zone of property at 6406 SW Beaverton-Hillsdale Highway from R2, Residential, to CO2, Commercial (Ordinance; 92-00010 CP ZC)

Disposition: Ordinance No. 165524. (Y-4)

- *1072** Contract with Multnomah County for \$25,000 to provide planning and advocacy for emergency basic need services and provide for payment (Ordinance)

Disposition: Ordinance No. 165525. (Y-4)

- *1073** Contract with Multnomah County Community Action Program Office for \$15,000 to provide relocation and moving assistance services and provide for payment (Ordinance)

Disposition: Ordinance No. 165526. (Y-4)

- *1074** Amend agreement with the Portland Development Commission by increasing the amount by \$2,547,228 and provide for payment (Ordinance; amend Agreement No. 27169)

Disposition: Ordinance No. 165527. (Y-4)

- *1075** Change the zone of a portion of the property at 9225-9255 SE Stark Street to remove the Buffer Zone Overlay, with an Adjustment (Ordinance; 92-00004 ZC AD)

Disposition: Ordinance No. 165528. (Y-4)

Commissioner Mike Lindberg

- *1076** Amend contract with KPFF Consulting Engineers to include additional services for construction administration beyond the original scope of work for Matt Dishman Aquatic Facility and Community Center (Ordinance; amend Contract No. 25915)

Disposition: Ordinance No. 165529. (Y-4)

- 1077** Change City Code provisions relating to Historic Trees (Second Reading Agenda 1033)

Disposition: Ordinance No. 165530. (Y-4)

June 10, 1992

- *1079** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$3,000 (Ordinance)

Disposition: Ordinance No. 165531. (Y-4)

- *1080** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$10,000 (Ordinance)

Disposition: Ordinance No. 165532. (Y-4)

- *1081** Authorize an application to the Oregon Arts Commission for a grant in the amount of \$12,000 (Ordinance)

Disposition: Ordinance No. 165533. (Y-4)

- *1082** Authorize water facility easements on property of the Oregon Department of Transportation in the I-205 Corridor at no cost (Ordinance)

Disposition: Ordinance No. 165534. (Y-4)

REGULAR AGENDA

- 1061** Accept improvement of NE 55th Avenue from NE Halsey Street to NE Wasco Street, approve Change Order No. 1, make final payment and release retainage (Report; Contract No. C-9756)

Discussion: Cay Kershner, Clerk of the Council, said there has been a request to continue this item one week.

Disposition: Continued to June 17, 1992 at 9:30 a.m.

- *1078** Amend Code provisions relating to park permits (Ordinance; amend Code Section 16.26.060)

Discussion: Commissioner Lindberg said this would allow a temporary concession contract for rollerblade rentals on the Esplanade within Waterfront Park.

Harry Auerbach, Deputy City Attorney, said this would be an interim measure that would be in effect until July 1 when the new Title 16 takes effect. He said the Downtown Traffic District, where skating is prohibited, has been redrawn to end at Front Avenue so the Esplanade would not be a part of it.

June 10, 1992

Commissioner Lindberg said a Task Force has been formed because of complaints about bicycling and rollerskating on the Esplanade and in front of River Place.

Disposition: Ordinance No. 165535. (Y-4)

1048 TIME CERTAIN: 9:30 AM - Transmit report for North Macrum, NE 22nd Avenue and SE 55th Avenue (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said no one is surprised that speeding is a major neighborhood concern. He said in an attempt to solve the problem, the Bureau of Transportation has developed a program that appears to meet the needs of citizens.

Donna Green, Planner with Neighborhood Traffic Management Program, (NTMP) said all procedures prescribed in the NTMP were followed for these three projects. All three involve streets tested for speed bumps, which prior to this time had not been used as traffic management devices in the City. She reviewed the speed bump tests, noting a reduction in speeds on the test streets of between six and nine miles per hour as well as favorable responses to their use from the Fire and Police bureaus and other groups. Ms. Green said residents on all three streets voted overwhelmingly to keep the street bumps, which cost an average \$1600.

Marilee McIntee Dolph, 1107 SE 55th, supported retention of the speed bumps on SE 55th. She said speed bumps have reduced speed up to 11 miles while still allowing full use of the street. She said 87 per cent of residents favor this project.

Kent Barnes, 5535 SE Salmon, said since the speed bumps have gone in, speeds have been reduced. He said he thinks the bumps should be spread to other neighborhoods.

Commissioner Blumenauer said acceptance of this report signals that the speed bump program will be integrated as an ongoing part of traffic management policy.

Disposition: Accepted. (Y-4)

1049 Transmit Citizen Advisory Committee Report on NTMP (Report introduced by Commissioner Blumenauer)

Discussion: Janice Newton, Neighborhood Traffic Management Program, said this report contains responses to public testimony given at the March 11 Council hearing on the report and recommendations of the Citizen Advisory Committee. Ms. Newton reviewed the issues raised at the time, including the cost of the

June 10, 1992

NTMP program and the traffic devices. She said this information will be included in future Citizen Advisory Committee reports and traffic committees will have cost data on each project prior to voting. Regarding the proposal to include neighborhood associations in the final balloting for an NTMP project, Ms. Newton said they believe that residents on the streets where the projects are built should be the ones to vote. A third issue called for the elimination of the NMTP and removal of traffic management devices and circles. She said as part of the NMTP evaluation a consultant was hired to evaluate all traffic circles. Results of the study by Kittelson, Inc. clearly demonstrated that traffic circles reduce speeding and traffic accidents.

Disposition: Accepted. (Y-4)

- 1050** Adopt the recommendations, policies, objectives and procedures for the Neighborhood Traffic Management Program as recommended by the Citizen Advisory Committee and Technical Advisory Committee for the NTMP evaluation (Resolution introduced by Commissioner Blumenauer)

Discussion: Ms. Newton said the changes in policies and procedures include more emphasis on pedestrians, guidelines for what is acceptable diversion, revised voting procedures, focus on consensus building between the City and Traffic Committee, and addition of an evaluation and monitoring process,

Commissioner Blumenauer expressed his appreciation to Ms. Newton for her work on this program.

Disposition: Resolution No. 35001. (Y-4)

Mayor J. E. Bud Clark

- *1083** Transfer appropriations within certain bureau budgets and between funds, adjust resources and requirements in various funds (Ordinance)

Discussion: Commissioner Bogle moved to transfer \$40,000 within the Fire Bureau budget to the Printing and Distribution Operating Fund to pay for materials for the fire prevention program. Commissioner Kafoury seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 165536 as amended. (Y-4)

June 10, 1992

Commissioner Earl Blumenauer

- 1084** Consider vacating a portion of NE Klickitat Street at the request of Rim Company (Hearing; C-9790)

Disposition: Approved. City Engineer Prepare Ordinance. (Y-4)

- 1085** Consider vacating NE Wasco Street between NE 16th and NE 17th Avenues at the request of Holladay Park Plaza (Hearing; C-9766)

Disposition: Approved. City Engineer Prepare Ordinance. (Y-4)

Commissioner Gretchen Kafoury

- 1086** Appoint City of Portland representatives to the County-wide Housing and Community Development Commission (Resolution)

Discussion: Commissioner Kafoury said this group will oversee the implementation of CHAS.

Disposition: Resolution No. 35002. (Y-4)

- *1087** Contract with Multnomah County for \$200,000 for the youth empowerment program and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said at long last they have a contract for this program.

Donna Schultz, Youth Employment Coalition, said the coalition is a group of about 15 citizen volunteers who lobby companies for jobs. Companies that have already agreed to participate include Nike, Nordstrom and Kienows.

Sam Pierce, co-chair Youth Empowerment Task Force, said right now they have 25 jobs committed and have hired 10 kids. He said this program is working despite skepticism about hiring at-risk kids.

Disposition: Ordinance No. 165537. (Y-4)

City Auditor Barbara Clark

- 1088** Create the SW Lower Drive and Private Property Local Improvement District and provide for constructing a sanitary sewer (Hearing; Ordinance; C-9759)

Discussion: Mary Nolan, Director of Environmental Services, said this is a petition presented by private citizens to replace a broken antiquated sewer

June 10, 1992

system. She said this is a textbook example of a series of decisions that made sense individually but collectively result in a circumstance that no one involved believes makes sense. She said the Bureau is primarily concerned with addressing public health concerns and being responsible to the rate payers. She said she is here today to find a solution which serves all objectives, even though all the details may not be resolved today.

Commissioner Blumenauer said he hopes that a workable proposal can be presented at next week's Council meeting.

Lee Klingler, Project Manager, said this sewer was built in 1912 as a private sewer line in a rugged steep area. In 1987, after the City found that the system had failed and was leaking sewage, residents met to form a Local Improvement District (LID) in 1987 and it has taken until today to come up with a solution. He reviewed concerns, including finding an equitable assessment method and noted that the City Auditor did an area assessment after reviewing and rejecting other methods. Some participants have requested a subsidy program similar to what was done in Mid-County but the Bureau believes this project differs from Mid-County in that residents there had a working sewer system and also were under state mandate because of a perceived threat to regional drinking water. The Bureau also believes that records show that this is a private sewer and the City Attorney concurs although there is always a question since the system is so old. Another issue raised deals with the appropriateness of placing a sewer in an environmental protection zone. Six of the 12 property owners have remonstrated against the project. Most want the sewer but are remonstrating because of its cost.

Commissioner Lindberg asked if it was mandated because of state laws.

Mr. Klinger said it is definitely a local health problem but there is no state mandate.

Commissioner Blumenauer said raw sewage is coming to the surface but there is no regional contamination. He said the current situation, however, is absolutely unacceptable and must be remedied.

Susan Feldman and Al Burns, Bureau of Planning staff, said the presence of the sewer in the environmental overlay zone requires an environmental review which involves a public review process.

Commissioner Kafoury asked if there was anything Council could do to speed the process.

June 10, 1992

Ms. Feldman said they will do it as fast as they can while still meeting public notification requirements. There is a concern that BES will have to demonstrate that there is no other alternative to going through the protection zone.

Commissioner Blumenauer said they also need to review with City Attorney and other bureaus a potential amendment to the environmental protection regulations that may be needed when health hazard issues arise, as they have in this case.

Harry Auerbach, Deputy City Attorney, said the City Attorney's office has already issued two opinions that utilities in rights-of-way are exempted from E zone regulations because the regulations apply to newer above or below ground utilities that are not in public rights-of-way.

Commissioner Blumenauer said he would like a matrix developed detailing the implications of moving ahead. He said he does not want to catch people in the crossfire between the City's environmental protections and its commitment to public health.

Ms. Feldman agreed to do that by next week, although she said it would be impossible to amend the Code between now and next week because of public notification requirements. She said she would report back on what could be done within existing regulations.

Charles A. Fagin, 2525 SW Montgomery Drive, objected to inclusion in the LID. He said they have been on the SW Montgomery sewer for 12 years after their branch was destroyed by landslides. He said they would be assessed over \$36,000 for their share, much of it on a lot that is inaccessible and unbuildable. He also objected to the damage heavy equipment would cause to his property as well as its potential to cause additional landslides. He said he believes everyone could pump up to an existing system.

Doug Bamarito, 2585 SW Montgomery, cited a neighbor who has been pumping up for 30 years and is now being assessed over \$8,000 for a sewer she will not physically be a part of. He contended that the present system is on City, not private, property. He said property owners have been paying quarterly sewer bills for many years but now they are being asked to pay far more than residents in Mid-County or Royal Woodlands. He said neighbors believe no one is really taking charge of the problem and asked Council to appoint someone to come up with a concrete plan so that this matter is resolved.

Commissioner Blumenauer asked Ms. Nolan to manage this matter and coordinate with other bureaus.

June 10, 1992

Joanne Kahn, 2811 SW Upper Drive, said they are not in the LID but sewage is collecting in the back of their property which makes it unusable. She asked Council to do something soon so this project will make the summer construction schedule and expressed hope that assessments could be capped.

Steve Winn, 2575 SW Montgomery Dr., said this issue surfaced in 1987 and commended BES for trying to unwind something that is a mess in every way. He said they are very frustrated to hear that the environmental review process may push construction of this sewer into next year. He said he is not happy with the amount of his assessment but believes building the sewer is now the single most important thing we can do.

Elizabeth Boylston, 2845 SW Upper Drive, asked that the City take more financial responsibility for the project.

Commissioner Blumenauer said Ms. Nolan will coordinate these issues with relevant City bureaus. He also asked the bureau to respond next week to questions raised regarding the financing as well as the legal ambiguities raised about ownership and the genesis of this project. He asked that this be scheduled at a Time Certain.

The Clerk asked if Council wished to overrule the remonstrances today and pass this to a second reading.

Harry Auerbach, Deputy City Attorney, said if Council votes to overrule the remonstrances and this ordinance is then amended next week, another second reading will be necessary.

Commissioner Blumenauer said there may be circumstances that justify adding an emergency clause.

Mr. Auerbach said he did not see any reason why an emergency clause could not be added next week.

Commissioner Blumenauer suggested overruling the remonstrances and passing this to a Second Reading, leaving open to Council the addition of an emergency clause to allow final adjustments in the ordinance.

Commissioner Kafoury so moved and Commissioner Bogle seconded. The motion carried. (Y-4)

Disposition: Remonstrances overruled and passed to Second Reading June 17, 1992 at 3 p.m. Time Certain.

At 11:00 a.m. Council recessed.

June 10, 1992

WEDNESDAY, 2:00 PM, June 10, 1992

**DUE TO LACK OF AN AGENDA
THE MEETING WAS CANCELED**

June 11, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF JUNE, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Lindberg, Presiding; Commissioners Bogle and Kafoury, 3.

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

REGULAR AGENDA

Commissioner Dick Bogle

- 1089** Liquor license application for Tam Nguyen, dba Junior's, 1026 SW Taylor Street, Package Store liquor license (new outlet); favorable, with conditions, recommendation (Report)

Discussion: John Werneken, License Bureau, said it appears that no opponents of this application are present today.

Commissioner Lindberg asked if anyone wished to be heard. No one responded.

Disposition: Favorably recommended. (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