



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

PORTLAND CITY COUNCIL AGENDA
City Hall, 1220 SW Fifth Avenue
WEDNESDAY, 9:30 AM, November 11, 1992

DUE TO THE VETERANS DAY HOLIDAY

THE PORTLAND CITY COUNCIL

DID NOT MEET

NOVEMBER 11, 1992

November 12, 1992

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF NOVEMBER, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Kafoury and Lindberg, 4.

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

Agenda No. 1916 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1896** Accept bid of Babyland Diaper Service for furnishing laundry service for \$65,676 (Purchasing Report - Bid 35A)

Disposition: Accepted; prepare contract.

- 1897** Accept bid of J.M. Landscaping & Irrigation for Alberta Park irrigation system for \$49,100 (Purchasing Report - Bid 41)

Disposition: Accepted; prepare contract.

- 1898** Vacate a portion of NE 67th Avenue, NE Multnomah Street and NE Clackamas Street, under certain conditions (Second Reading Agenda 1846; C-9814)

Disposition: Ordinance No. 165981. (Y-4)

Mayor J. E. Bud Clark

- *1899** Contract with Siemens Rolm (Tel Plus) to provide voice mail growth-related computerized equipment for \$59,000 without advertising for bids (Ordinance)

Disposition: Ordinance No. 165982. (Y-4)

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- *1900** Contract with US West to provide proprietary electronic phone sets for \$70,900 without advertising for bids (Ordinance)

Disposition: Ordinance No. 165983. (Y-4)

- *1901** Call for bids to furnish copy machines and accessories for the Bureau of General Services, issue a purchase order and provide for payment (Ordinance)

Disposition: Ordinance No. 165984. (Y-4)

Commissioner Earl Blumenauer

- 1902** Accept petition and transmit Resolution to institute proceedings for the improvement of SW Palatine Street, from SW 47th Avenue to SW 49th Avenue (Report)

Disposition: Accepted.

- 1903** Direct the City Engineer to prepare plans, specifications and cost estimates for street and storm sewer improvements on SW Palatine Street, from SW 47th Avenue to SW 49th Avenue (Resolution)

Disposition: Resolution No. 35079. (Y-4)

- 1904** Accept petition and transmit Resolution to institute proceedings for the improvement of NE Meadow Drive from 1422 feet west of the west line of the NE 13th Avenue to its westerly terminus (Report)

Disposition: Accepted.

- 1905** Direct the City Engineer to prepare plans, specifications and cost estimates for street and storm sewer improvements on NE Meadow Drive, from 1422 feet west of the west line of the NE 13th Avenue to its westerly terminus (Resolution)

Disposition: Resolution No. 35080. (Y-4)

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- 1906** Accept completion of the Lents Basin CSO Sump Project, Phase III and make final payment to B, L & B Contractors (Report; Contract No. 27730)

Disposition: Accepted.

- *1907** Amend contract with Scientific Resources, Inc., for additional environmental consulting services on the NE Airport Way Project and other work (Ordinance; amend Contract No. 26452)

Disposition: Ordinance No. 165985. (Y-4)

- *1908** Amend agreement with Cross-Continent Engineers (Ordinance; amend Contract No. 27963)

Disposition: Ordinance No. 165986. (Y-4)

- *1909** Amend Title 16 of the City Code to correct omissions made inadvertently during code revision and to provide further clarifications (Ordinance; amend Title 16)

Disposition: Ordinance No. 165987. (Y-4)

- *1910** Amend contract with Spencer B. Gross, Inc., to provide topographic maps for 8 quarter sections in Northeast Portland, correct survey data on several perimeter quarter sections, provide for additional manholes and authorize payment (Ordinance; amend Contract No. 27276)

Disposition: Ordinance No. 165988. (Y-4)

- *1911** Amend contract with Waste Matters Consulting to provide additional tasks in connection with the Time and Motion study (Ordinance; amend Contract No. 28130)

Disposition: Ordinance No. 165989. (Y-4)

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Commissioner Dick Bogle

- *1912** Agreement with Oregon Health Sciences University for physician advisor and registered nurse services for \$132,185 (Ordinance; waive Code Section 5.68)

Disposition: Ordinance No. 165990. (Y-4)

- *1913** Cooperative agreement for mutual assistance for fire protection with United States Department of the Interior, Bureau of Land Management, Salem District (Ordinance)

Disposition: Ordinance No. 165991. (Y-4)

Commissioner Mike Lindberg

- 1914** Accept contract with Russell Construction, Inc., for Hillside Community Center remodel as complete, authorize final payment and release of retainage for a total of \$6,961 (Report; Contract No. 28198)

Disposition: Accepted.

- *1915** Authorize agreement with WQ Properties, an Oregon general partnership, for relocation of a firelane easement (Ordinance)

Disposition: Ordinance No. 165992. (Y-4)

- *1917** Authorize the Bureau of Parks and Recreation to waive the Sellwood Moreland Improvement League's annual payment at Oaks Pioneer Church (Ordinance)

Disposition: Ordinance No. 165993. (Y-4)

- *1918** Grant a revocable permit to Ann Widmer for non-park use of a portion of Terwilliger Boulevard Park, under certain terms and conditions and repeal Ordinance No. 146069 (Ordinance)

Disposition: Ordinance No. 165994. (Y-4)

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- 1919** Authorize the Bureau of Parks and Recreation to donate a damaged pottery vessel from City salvage to the Interstate Firehouse Cultural Center Board of Directors to auction off for fund-raising purposes (Second Reading Agenda 1867)

Disposition: Ordinance No. 165995. (Y-4)

City Auditor Barbara Clark

- *1920** Cancel systems development charge at 6240 NE Shaver Street (Ordinance; amend Ordinance No. 165934)

Disposition: Ordinance No. 165996. (Y-4)

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- *1916** Authorize cost-sharing agreement with the US Forest Service to contract with the Forest Service Pacific Northwest Research Station to study fire and windthrow disturbance in the Bull Run watershed (Ordinance)

Discussion: Commissioner Lindberg said several citizens had requested that this be carried over one week to allow further discussion.

Disposition: Continued to November 18, 1992 at 9:30 a.m.

- 1895** **TIME CERTAIN: 9:30 AM** - Return Council Calendar item No. 439 concerning request of the West Burnside Task Force for certain transportation improvements in the West Burnside Corridor and accept recommendations of Office of Transportation (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said, although some concerns about the traffic enforcement issue remain, implementing these recommendations will help solve a serious problem on a street where problems are likely to get worse in the short term with construction of the West Side Light Rail.

Laurel Wentworth, Office of Transportation, said the Bureau of Traffic Management has worked closely with the West Burnside Task Force

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and is here today to propose some solutions to the problems identified regarding public safety and the lack of accessible alternate transportation modes and alternative routes. Staff looked at the possibility of installing two signals, one at Macleay/Tichnor and one at Barnes Road, and found that a signal would be appropriate at Macleay/Tichnor but not at Barnes, where they recommend installation of flashing red beacons. Further work by Transportation, the Police and Tri-Met will be done to address some of the other concerns raised. The Bureau anticipates that the signal will be installed in late 1993.

Louisa McCleary, Hillside Neighborhood Association Board President, urged support of the recommendations proposed by Transportation, stressing the current dangerous access onto Burnside, and asked that they be implemented as soon as possible. She also asked that Council support the expenditure of \$130,000 for the signal even though there is no money in the current budget to pay for it.

Kathy Klump, 2780 NW Imperial Terrace, 97210 described the dangerous traffic situation facing those who must access West Burnside from the side streets.

Ellie Tatum, 4717 NW Barnes Road, 97210, said they are growing increasingly frustrated because nothing has been done to address the safety and access concerns. She said they hope this will not be lost in the budget process or because of the change in administrations.

Commissioner Blumenauer said in approving this report the Council is directing that these steps be taken and that the Bureau add this into its budget.

Disposition: Accepted. (Y-4)

Mayor J. E. Bud Clark

1921 File annexation case in Hazelwood with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-11-92)

Disposition: Resolution No. 35081. (Y-4)

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Commissioner Earl Blumenauer

- 1922** Transmit report from City Engineer on proposed Ordinance revoking certain commercial driveway permits as part of the Transit Mall Extension Project (Previous Agenda 1881)

Disposition: Placed on File.

- 1923** Revoke certain commercial driveway permits along the Transit Mall Extension Project, stipulating certain conditions (Previous Agenda 1882)

Discussion: Jerry Markesino, Bureau of Transportation Engineering, said this would remove a number of commercial driveway permits along NW 5th and 6th Avenues as part of the reconstruction of these streets to extend the downtown transit mall north to Union Station.

Doug Oblatz, Shiels and Oblatz, said three priorities were established regarding the disposition of the driveways: 1) maximize safety for pedestrians, transit patrons and bus operators by eliminating all driveways on the exclusive bus lane side of the mall; 2) minimize conflicts between autos and pedestrians and reduce traffic entering the single auto lane; 3) maximize continuity of mall street improvements. A total of 20 driveways on 14 properties were identified during the design of the project. Of these five driveways were identified to remain in place because reasonable alternative access was not available. He said successfully negotiated agreements have been reached for closure of 13 of the 15 driveways where revocation was felt necessary. Two cases remain where agreement has not been reached.

Mr. Oblatz showed slides to identify the driveways where objections to the revocations remain. He said the City has an agreement in principle with the property owner on the east side of NW 5th and Glisan. The second driveway, on the west side of NW 5th and Everett houses an auto repair business. Because its driveway is on same side of the street as the exclusive bus lane, it is critical to close it. This is a case, he said, where public safety outweighs any inconvenience to the business.

Michael C. Robertson, 1727 NW Hoyt, attorney, representing the property owner, and R&R Towing, the tenant, said if Council needs to close the driveway in the public interest, agreement can be reached but

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he wanted to state his clients objections for the record. He said since the building is on the auto side of the street, not on the bus side, he did not believe closure of the driveway was necessary to the project and it may result in the current tenant leaving the site because of the inconvenience.

Trutz Kronke, owner Kronke's Portland Star Service at NW Everett, protested the way the City tried to sneak this by him. He said he has not had time to access all his options and asked for an extension. He said his car repair business will have a difficult time operating and has no future without access onto NW 5th.

John Wagner, U.S. National Bank, trustee for the owners of both properties in question, said they fear the tenants will leave and they will end up with a vacant building. He said this would have a severe economic impact on those elderly clients who own the property.

Commissioner Blumenauer indicated that some permits are being extended where there are no alternatives. He asked Mr. Obletz if there were any alternatives in these two cases.

Mr. Obletz said no and recommended going ahead with the revocations. In the case of Mr. Kranke, staff should be directed to continue to explore alternatives but he believes the City should not hold back.

Commissioner Blumenauer said there is no doubt in his mind that property values will increase in the area due to the transit mall extension.

Disposition: Ordinance No. 165997. (Y-4)

- 1924** Environmental Services to negotiate a contract with Ashbrook-Simon-Hartley for replacement of four sets of belt press rollers and drives at the estimated amount of \$415,000 without advertising for bids (Ordinance)

Disposition: Ordinance No. 165998. (Y-4)

- 1925** Set hearing date, 9:30 a.m., Wednesday, December 2, 1992, and initiate the vacation of a portion of SE 100th Avenue south of SE Powell Boulevard (Resolution; C-9819)

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Discussion: Cay Kershner, Clerk of the Council, said a substitute had been introduced to correct the date from December 2 to December 16. Commissioner Blumenauer moved the substitute; Commissioner Kafoury seconded and the motion carried. (Y-4)

Disposition: Substitute Resolution No. 35082. (Y-4)

Commissioner Gretchen Kafoury

- *1926** Authorize grant application to support the funding of wetland conservation planning (Ordinance)

Disposition: Ordinance No. 165999. (Y-4)

City Auditor Barbara Clark

- 1927** Assess property for sidewalk maintenance through August 31, 1992 (Ordinance)

Disposition: Passed to Second Reading November 18, 1992 at 9:30 a.m.

- 1928** Assess property for sewer system development charges through September, 1992 (Second Reading Agenda 1888; Z0212 through Z0219)

Disposition: Ordinance No. 166000. (Y-4)

At 10:35 a.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF NOVEMBER, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

***1929 TIME CERTAIN: 2:00 PM - Adopt the Springwater Corridor Master Plan (Ordinance introduced by Commissioner Lindberg)**

Discussion: Mary Anne Cassin, Co-Project Manager, said staff and two task forces, one composed of citizens and one made up of representatives from affected agencies, crafted this plan for the Corridor. They also worked with Metro, the State, Multnomah and Clackamas Counties, the U.S. Forest Service, and other groups.

George Hudson, Co-Project Manager, said this one-time rail corridor built in 1903 was acquired by the Parks Bureau in 1990 as a portion of the 40-mile loop, which has now been extended to 140 miles. He said the concept of converting rails to trails is not new in this country, where over 5,000 miles of trail have been formed nationwide. The Springwater corridor passes through five different governmental entities, with approximately 22 percent of it situated along manufacturing and industrial areas. One important use of the corridor will be for alternative transportation. There will also be a direct tie-in with the I-205 bike trail and a number of natural areas.

Mr. Hudson said surveys of potential users were conducted and adjacent neighbors, particularly in rural areas, expressed concern about the trail attracting additional people to their areas. He said a foot patrol was formed to report illegal activities and coordination efforts with the various jurisdictions regarding monitoring of such activities have begun. Obvious safety problems involving road crossings and trestles were also identified. Prohibition of non-recreational encroachments was stressed as well as the need to involve volunteers in managing the vegetation.

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Mr. Hudson said they are proposing a 12-foot wide hard surface trail and a separate equestrian trail. Public partnerships are another important aspect of the plan, and so far have involved such organizations as the U.S. Marines and Friends of Springwater Corridor.

Ms. Cassin said progress has been made with safety improvements and also in developing partnerships with the public to make sure that maintenance is at least minimally taken care of. She said a budget increase of \$51,000 is being requested in order to maintain their investment in this 16.5 mile corridor, or 200 acres of additional responsibility for the Parks Bureau. She said they have brought the cost as close to zero as they can, with the continued heavy involvement of volunteers, but City commitment is very important. Regarding implementation, Ms. Cassin said they have applied for funding for the Phase I improvements through enhancement funds from the Federal Highways Administration which would supply 80-90 per cent of the development funds. The State has been asked for up to 3.2 million which, if granted, will require a local match of \$570,000. Of that, commitments have been made to acquire \$370,000 from a variety of sources, leaving a gap of only \$200,000 to cover Phase I improvements.

Jay Mower, Friends of Springwater Corridor, said as Portland grows, this trail will be a tremendous therapeutic asset for residents.

Jack Stiverson, U.S. Forest Service, said the Forest Service wants to be a partner in the project.

Julee Conway, Gresham Parks and Recreation Director, affirmed Gresham's commitment to the corridor, noting that a grand opening of the approximately 4-1/2 miles of the trail within the Gresham City limits was held recently. She said in addition to the recreational uses, there will be unseen benefits in the long term, i.e. improved air quality and fewer people in cars. She said this corridor can serve as a model as to what can happen when individuals and agencies get together to solve problems.

Ethan Selzer, NE Regents Drive, said investment in the maintenance of the trail leverages a tremendous amount of citizen involvement by a variety of groups interested in helping maintain it. Ongoing maintenance is also necessary to as a tangible commitment to adjacent land owners that the corridor will remain an asset, not a liability.

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Steve Johnson, 3707 SE Johnson Creek Blvd., said maintenance is critical in order to retain support from landowners along the corridor.

Barbara Walker, 40 Mile Loop Land Trust and Citizens Steering Committee member, said this is fabulous opportunity. She said hundreds of people deserve thanks for their efforts and particularly thanked Commissioner Lindberg, Gresham Mayor Gussie McRoberts and Parks Director Conway. She said this is an ideal project for ISTEA (Intermodal Surface Transportation Efficiency Act) funds and will provide the first rails to trails way in the state.

Commissioner Blumenauer asked what priority this would have in the Parks Bureau budget, noting that this would adjust the budget again. He said he had not seen the Bureau present a list of priorities and wondered about how this ranked in importance with such projects as the East Bank Esplanade.

Commissioner Lindberg said a policy will come forward in the next few weeks directing how new properties will be absorbed as new areas of responsibility are picked up. It reflects suggestions from the Auditor's Office and Association for Portland Progress. He said Council has the option of saying yes, it would like to commit to the maintenance, or it can wait and say that it will only consider any additions to the Parks Bureau budget once a year.

Commissioner Blumenauer said in the past it has been hard for people to understand what Council priorities are. He asked if there were other items in the pipeline right now that need funding, such as the Eastside Esplanade, where it had been anticipated that funding would come from tax increment financing.

Commissioner Lindberg said the corridor will come in as a very high priority but they would not suggest cutting some other program right now. He said the availability of ISTEA funds provides a good opportunity to move ahead now. If Council wished it could say that Parks must make a cut elsewhere in its budget.

Mayor Clark said he was worried about funding for next year.

Commissioner Lindberg said ordinarily Council would adopt a master plan and worry about maintenance later. Because of the high priority of this project, he said he wanted Council to make a commitment to

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maintenance now. He said he would be willing to consult with Parks Director Charles Jordan about how the budget could be adjusted.

Ms. Cassin said timing is crucial if they are to receive federal monies.

Commissioner Blumenauer said despite his love for the corridor, he does not believe that every week another number one priority can come forward. He said each individual capital program should not be dealt with in isolation.

Commissioner Lindberg said regarding the Eastside Esplanade, a commitment has been made that all maintenance would be paid for. He said he is afraid of losing the 3.2 million in State matching funds if the corridor project does not proceed. He said Parks will go back and find a way to fund this.

Mayor Clark said he too feels frustrated at having these things come in individually rather than with the whole picture in mind.

Linda Dobson, Assistant to Commissioner Lindberg, suggested adoption of the Master Plan so they could go ahead and apply for the grants.

Commissioner Kafoury said financing has to be part of the budget deliberations.

Mayor Clark said while this raises the budget \$50,000, it does not mean they could not cut the Parks budget somewhere else.

Ms. Cassin said the opposition is not here today because they are convinced of the City's commmitement to this project.

Mayor Clark said the opposition is from the other priorities in the budget, noting that commitment to the corridor slips it in ahead of other projects and needs.

Commissioner Lindberg asked if an amendment to remove Directive C would be appropriate. Then it would be up to the Parks Bureau to find the money.

Commissioner Blumenauer said he is frustrated by Council commitments to big ticket items and having priorities come in incrementally. Committing to this makes it harder to fulfill Council's

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commitment to increasing Police staffing as well as to light rail and such Parks items as the Esplanade and Holladay Street improvements.

Commissioner Kafoury suggested telling Parks to come back with the request in the next budget.

Commissioner Lindberg asked staff if that would endanger the grant.

Commissioner Kafoury moved to amend Directive C to read: "Direct the Bureau of Parks & Recreation to develop an add package for FY 93-94 in order to maintain the investment made by the City in the Corridor". Commissioner Blumenauer seconded and the motion carried. Y-4

Commissioner Lindberg said he will get more input about the policy of taking on new projects in order to avoid incremental decision making.

Mayor Clark said there should be a contingency fund to take advantage of such opportunities.

Disposition: Ordinance No. 166001 as amended. (Y-4)

REGULAR AGENDA

Commissioner Earl Blumenauer

- 1930** Amend Title 14, Public Peace, Safety and Morals to include a Chronic Nuisance Property Chapter (Second Reading Agenda S-1798; amend Code Sections 14.110.010 through 14.110.090)

Discussion: Commissioner Blumenauer proposed taking additional time to work through some of the concerns that have been raised about the chronic nuisance property ordinance. He said they met with the Chief's Forum and have answered many requests for information from the public. Issues raised by the community include the incorporation of neighborhood mediation, a review of its effectiveness to ensure uniform application and the addition of a sunset clause. They are also working with the judiciary on its work load implications and due process. He asked that this item be continued to December 17 to allow some additional meetings to take place and work through these issues.

Disposition: Continued to December 17, 1992 at 2:00 p.m. Time Certain

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Commissioner Gretchen Kafoury

- 1931** Tentatively deny appeal of Wilkes Community Group against certain conditions imposed by the Hearings Officer in approving the application of KMAC Corporation for an 11-lot subdivision at 1904 NE 155th Avenue and approve City staff proposal for pedestrian pathway (Findings; Previous Agenda 1840; 92-00288 SU)

Disposition: Continued to December 9, 1992, at 2:00 p.m.

- 1932** Tentatively deny appeal of Southwest Hills Residential League and Bartley F. Day et al, against the Hearings Officer's decision to approve the application of Michael and Ellen Daly for a 3-lot subdivision in an R10 zone located west of SW Hillside Drive, north of SW Patton Drive (Findings; Previous Agenda 1835; 92-00331 SP)


Disposition: Continued to November 18, 1992 at 2:00 p.m.

- 1933** Tentatively grant appeal of Harry Kemm III and Chaney Development Corp., applicant, against Hearings Officer's decision to impose certain conditions in approving a major subdivision and variance at the extension of SW Dover Street, east of SW Oleson Road, north of Alpenrose Dairy (Findings:Previous Agenda 1836; 92-00377 SU)

Disposition: Continued to December 9, 1992 at 2:00 p.m.

At 3:20 p.m. Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council