



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF JULY, 1998 AT 9:30 A.M.

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

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

Agenda Nos. 1043 and 1056 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

Mayor Vera Katz

- *1040** Authorize the Purchasing Agent to sign a contract with SAS Institute, Inc. annual software maintenance in the amount of \$81,945 without advertising for bids (Ordinance)

Disposition: Ordinance No. 172485. (Y-5)

- *1041** Apply for a \$59,650 grant from the Oregon Department of Justice, Victims of Crime Act funds (Ordinance)

Disposition: Ordinance No. 172486. (Y-5)

- *1042** Extend legal services agreement with Hoffman, Hart & Wagner, LLP, for outside litigation representation (Ordinance; amend Agreement No. 31082)

Disposition: Ordinance No. 172487. (Y-5)

Commissioner Jim Francesconi

- *1044** Amend City Code to revise composition of Towing Board of Review (Ordinance; amend City Code Section 3.98.010)

Disposition: Ordinance No. 172488. (Y-5)

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Commissioner Charlie Hales

- 1045** Accept contract with Emery & Sons Construction, Inc. for retaining wall and slide repair project at NW 81st Place as complete and release final payment (Report; Contract No. 31248)
- Disposition:** Accepted.
- *1046** Amend Code to expand list of mechanical devices and bring Code in line with current practice (Ordinance; amend Code Title 27)
- Disposition:** Ordinance No. 172489. (Y-5)
- *1047** Authorize a contract and provide for payment for material and labor to construct Wellington Park improvements (Ordinance)
- Disposition:** Ordinance No. 172490. (Y-5)
- *1048** Authorize a contract and provide for payment for the renovation of Berkeley Park (Ordinance)
- Disposition:** Ordinance No. 172491. (Y-5)
- *1049** Amend Special Purchase Order with Fujitani Hilts and Associates to include additional compensation not to exceed \$16,000 for special inspections of the Southwest Portland Community Center (Ordinance; amend P.O. 1019231)
- Disposition:** Ordinance No. 172492. (Y-5)
- *1050** Authorize contract with Malcar Associates, Inc. to furnish fifty-six single ornamental cast iron streetlight assemblies and provide for payment (Ordinance)
- Disposition:** Ordinance No. 172493. (Y-5)
- *1051** Authorize a Memorandum of Understanding with the Oregon Department of Transportation regarding construction and maintenance of the Eastbank Convention Center dock (Ordinance)
- Disposition:** Ordinance No. 172494. (Y-5)
- *1052** Grant revocable permit to 1998 NIKE World Masters Games to reserve parking on certain streets from August 6 to August 25, 1998 to facilitate FBI, FEMA and City of Portland Police activities; waive fees for some permits (Ordinance)
- Disposition:** Ordinance No. 172495. (Y-5)

*1053 Renew agreement with Intergraph Corporation for computer maintenance through June 2000 (Ordinance)

Disposition: Ordinance No. 172496. (Y-5)

*1054 Call for bids to complete Sunderland Yard site improvements, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 172497. (Y-5)

Commissioner Gretchen Miller Kafoury

*1055 Accept donation of two hand-held thermal imaging devices (Ordinance)

Disposition: Ordinance No. 172498. (Y-5)

*1057 Contract with the Northeast Coalition of Neighborhoods for \$24,671 to conduct HCD project-related citizen participation activities in inner north/northeast HCD eligible neighborhoods and provide for payment (Ordinance)

Disposition: Ordinance No. 172499. (Y-5)

*1058 Contract with Northwest Pilot Project for \$206,243 to assist homeless and at risk seniors to obtain and maintain permanent affordable housing and provide for payment (Ordinance)

Disposition: Ordinance No. 172500. (Y-5)

*1059 Agreement with Southeast Uplift Neighborhood Program, Inc. for \$27,520 for coordination of the Outer SE Community Project and provide for payment (Ordinance)

Disposition: Ordinance No. 172501. (Y-5)

Commissioner Erik Sten

1060 Accept completion of the NW Ariel Terrace sewer rehabilitation project, Project No. 6228, and authorize final payment to K & R Plumbing Construction Co., Inc. (Report; Contract No. 31639)

Disposition: Accepted.

1061 Authorize intergovernmental agreement between the Bureau of Environmental Services and Multnomah County Health Division to continue vector control services for Fiscal Year 1998-99 (Ordinance)

Disposition: Passed to Second Reading July 29, 1998 at 9:30 a.m.

- *1062** Agreement with the Department of Environmental Quality to coordinate well field pumping and cooperate on groundwater remediation (Ordinance)
- Disposition:** Ordinance No. 172502. (Y-5)
- *1063** Authorize a contract with CH2M Hill, Inc. for professional engineering consulting services to develop, conduct and provide preliminary evaluation of a membrane filter treatment facility for the Bull Run source (Ordinance)
- Disposition:** Ordinance No. 172503. (Y-5)
- 1064** Authorize contract to the lowest responsible bidder for the construction of the PDX Post Office pump station (Second Reading Agenda 1025)
- Disposition:** Ordinance No. 172504. (Y-5)
- 1065** Call for bids to purchase a gas chromatograph/mass spectrometer, authorize a contract and provide for payment (Second Reading Agenda 1027)
- Disposition:** Ordinance No. 172505. (Y-5)
- 1066** Authorize an agreement with CES, Inc. for an amount not to exceed \$30,000 to provide engineering services to evaluate water mains mounted on bridges and provide for payment (Second Reading Agenda 1029)
- Disposition:** Ordinance No. 172506. (Y-5)

City Auditor Barbara Clark

- *1067** Assess system development charge contracts and Private Plumbing Loan Program contracts (Ordinance; Z0688, Z0689, Z0690, T0009, T0010, P0035)
- Disposition:** Ordinance No. 172507. (Y-5)

REGULAR AGENDA

- *1043** Accept surplus property from Clackamas County and Multnomah County for the Bureau of Environmental Services Johnson Creek Basin Protection Plan (Ordinance)
- Discussion:** Cay Kershner, Clerk of the Council, said the Bureau of General Services Director had requested that this be referred back to reflect the acquisition of additional surplus properties.
- Disposition:** Referred to Commission of Public Utilities.

***1056** Authorize and direct the Portland Development Commission to acquire property for development of a ninety-unit permanent housing project consistent with the adopted Shelter Reconfiguration Plan (Ordinance)

Discussion: Mayor Katz said she pulled this off Consent to see if anyone wished to testify about this as it is large project.

Disposition: Ordinance No. 172508. (Y-5)

1038 **TIME CERTAIN: 9:30 AM** - Adopt the Tillamook Bikeway Project to improve conditions for safe and convenient bicycling on the streets of Portland (Resolution introduced by Commissioner Hales)

Discussion: Louise Tippens, Project Manager, said this bikeway has been developed primarily on local streets as a bicycle boulevard where cars and bicycles share the road although through automobile traffic is discouraged. The bikeway goes from N. Flint to NE 92nd and is 4.6 miles long. She thanked the dedicated group of 30 volunteers who were involved and described the process by which the proposal was developed.

Ron Kernan, Tillamook Bikeway Steering Committee and Bicycle Advisory Committee member, said the Steering Committee's goals were to make it easy for both adults and children to ride bikes on Tillamook Street, provide good connections, encourage cars to slow down and give priority to bicycles. Trouble spots along the route were identified and the committee did significant public outreach to discuss those and the project as a whole.

Ms. Tippens said the Tillamook Bikeway is one of the priority routes in the City's Bicycle Master Plan. She described the route and noted that the project is funded with \$200,000 in the 1998-99 budget.

Mr. Kernan described the connections this bikeway will make to other bikeways and destination points.

Ms. Tippens outlined the signage and improvements to be made along the route, including Sandy, one of the most difficult crossings they had to contend with.

Mr. Kernan said they will evaluate the project by measuring bicyclist usage. They are considering turning some of the stop signs along the way to discourage speeding autos and will also evaluate the effectiveness of curb extensions and striping. They will continue to solicit neighborhood and cyclist input as well. Overall, the Steering Committee believes it has designed a project that is safe, provides good connection to places of interest and gives priority to bicyclists, where possible.

Individuals testifying in support of the project included:

Rebecca Anderson, Steering Committee member, 8508 NE Schulyer,
97220

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Lenny Anderson, Steering Committee member, 2934 NE 27th Ave.,
97212
Karen Frost Mecey, Director, Bicycle Transportation Alliance
Bill Edmonds, 2914 NE 38th, 97212

Supporters said this innovative project knits the neighborhoods together, provides safety for recreational bikers and quick and easy access for bicycle commuters. They stressed that having a network like this is essential to encouraging more people to commute by bicycle. Mr. Anderson suggested seeking State funds to help pay for the project as the route covers three State highways -- Martin Luther King, Sandy Boulevard and 82nd.

Sue McCurdy, 3005 NE Tillamook Street, 97212, objected to turning the stop sign at NE Tillamook and 30th.

Jasen Omelchuck, 1906 NE 47th, 97212, said the intersection of 47th and Hancock where two bikepaths cross poses some challenges. However, he is confident the problems can be overcome.

Kathy Lissy, 1905 NE 47th, 97212, said she is handicapped and concerned about access to her home as the proposed route will eliminate 100 percent of her on-street parking. She requested that a condition be added allowing one parking space in front of her house. Her husband, Bill Lissy, same address, said they support the concept as a whole but are worried about what option will be chosen.

Paul Daigle, 2204 NE 16th Avenue, 97212, said the primary concern for the Irvington neighborhood is how to cross 21st Avenue and as yet there is no solution. A more general concern is the lack of data and coordination between various City infrastructure projects. He said two months before they were notified the bicycle boulevard would proceed, the median at the intersection of NE 16th and Tillamook was completed. They notified the Bureau of Environmental Services that the bike lanes would be parallel to Tillamook but were told that there was not enough money to tinker with the lanes. Now there is the possibility of tearing up the median to put in the bike lanes. Also, right now ADA ramps are being put in on the four corners of NE 15th even though a curb extension is planned for one corner.

Ms. Tippens said there are 21 stop signs along the whole corridor and at first they thought it would be great to turn all of them. However, in attempting to impact the neighborhood as little as possible, they ended up proposing to turn only two. Turning the one at 30th was a good choice because there are so many stops before and after it and because a stop sign there might also help deter cut-through traffic. However, this may be reevaluated later. Regarding the issue on 47th, Ms. Tippens said language in the proposal calls for either curb extensions or a median island, depending on the outcome of the 40s bikeway. Staff will work with the neighborhood to come up with a solution that meets everyone's needs. The Lissys' problem is exacerbated because their property also borders NE Hancock, where no parking is allowed on the north side. She said a good evaluation will help them test out how this is working.

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Council members applauded the work of staff and volunteers in creating a new bicycle network with so much community support and so few outstanding issues.

Disposition: Resolution No. 35712. (Y-5)

Commissioner Sten accepted a check from Portland General Electric (PGE) for \$247,801 which will help fund the project to build the methane fuel cell at the Columbia Boulevard Wastewater Treatment Plant. They expect the fuel cell to pay for itself in about five years.

Scott Corwin, Government Affairs, PGE, said the check represents a refund, plus interest, of amounts that have been set aside through the City's efforts to promote renewable energy resources.

***1039** **TIME CERTAIN: 10:00 AM** - Authorize contract for Mediation Program with Confluence Center for Mediation and Training-Mary Forst Associates (Ordinance introduced by Mayor Katz)

Discussion: Mayor Katz said the City passed a civil rights ordinance in 1991 which included protection for gays and lesbians and people with non-traditional income sources that were not covered by State anti-discrimination laws. A challenge to that ordinance is now in the courts and, while the matter is in legal limbo, the City determined that mediation offered a good interim solution. Before Council today is a contract for those mediation services.

Madelyn Wessel, Chief Deputy City Attorney, said the City has appealed a Circuit Court decision invalidating the right of private action, one of the ways in which the City's civil rights ordinance can be enforced. However, this negative decision has also given the City the opportunity to explore a very positive option, utilizing mediation as a way to solve disputes. This one-year contract for \$50,000 funds a mediation process that allows private persons to explore dispute resolution on issues of discrimination in employment, housing and public housing accommodations. Ms. Wessel said the people involved in this service contract are recognized as the best in the State and even the nation. They are donating a lot of pro bono time and lowering their fees in order to explore whether this program turns out to be an effective tool, one the City may wish to continue to fund even after the court case is settled. She explained how the process will work and noted that both quarterly and yearly reports will be filed to provide a basis for further funding decisions.

Sam Imperati, representing the mediation team, said mediation provides the opportunity for both sides to resolve disputes and walk away with their business and personal needs satisfied.

Commissioner Francesconi asked what incentive there is to mediate when there is no recourse to the courts.

Mr. Imperati said a participant can still file a complaint with the Bureau of Labor and Industries (BOLI), a process where remedies can be prescribed. He noted that in many cases mediation is preferred because the parties are adverse to publicity. Finally, mediation allows creative solutions that are not cognizable under any statutory scheme.

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Commissioner Francesconi asked if there had been any improvement in BOLI's ability to process complaints.

Ms. Wessel said the situation remains status quo although BOLI has been eager to do a good job for the City and developed a good time frame for resolving complaints. However, as a statewide agency with severe budget restraints, it has been unable to set up a special set of procedures to manage municipally-created claims based on sexual orientation and source of income. Having an alternative route, the right to go to court, is important.

Commissioner Francesconi asked her if the City should lobby for additional funds for BOLI.

Ms. Wessel said there is always a need for better funding for civil rights work. It would also help if the Oregon State bar would allot more pro bono resources in this area.

Commissioner Kafoury said it would also be helpful to change State law to cover those categories.

Supporters of the contract included:

William Warren, PO Box 2434, 97208

Donna Zenobia Saffir, Portland Friends of Gays and Lesbians,
2057 Summit Dr., 97034

Katherine Tennyson, Co-Chair, Right to Pride, 900 SW 5th, Suite 2020, 97204

Steve Freedman, Metropolitan Human Rights Commission, 1120 SW
5th, Room 516, 97204

Rev. Roy Cole, Metropolitan Community Church

Jim Elliott, Basic Rights Oregon, PO Box 40625,

Wayne E. Harris, Oregon Gay and Lesbian Law Association, 1937
NE Multnomah, 97232

Diane Rosenbaum, Executive Board member, Oregon Labor Council
and Oregon AFL-CIO, and Oregon Commission for Women,
2327 SE 41st, 97214

Kim Roth, Mayor Katz office, volunteer liaison to the Gay and
Lesbian Community

Ronnie Lang, no address stated

Supporters testified as to the discrimination experienced by gays and lesbians and the need for this program. Several called for amending the City's civil rights ordinance to extend protection to transsexuals.

Ms. Wessel said the inclusion of transsexuals is a policy decision for Council although there are a number of sub issues, i.e. insurance, which will not be affected by the City's action.

Commissioner Kafoury said the Metropolitan Human Rights Commission recommended their inclusion last year but her judgment then was that it was best not to amend the ordinance while the lawsuit was pending.

Commissioner Francesconi said citizens need the protection provided by private rights of action and stressed the need for a change in the legislature in order to extend basic rights on a statewide basis. He said the talent of the people involved in the mediation contract is truly impressive.

Commissioner Hales said this is an appropriate use of public money as this is an effective means that goes beyond policy setting to problem solving.

Commissioner Sten said at first he thought mediation was a weak response to the court's decision but now believes it is a strong addition, one the City may wish to keep even though it is no substitute for state and federal legislation or the right of private action.

Mayor Katz said even if the City wins its case, it may want to continue this program.

Disposition: Ordinance No. 172509. (Y-5)

Mayor Vera Katz

1068

Accept the Housing and Community Development Commission's recommended Portland/Multnomah County Continuum of Care for the Homeless and support the 1998 Consolidated Application for Stuart B. McKinney Homeless Assistance funds (Resolution)

Discussion: Robert Berry, Housing and Community Development Commission (HCDC), and Wendy Cherubini, Bureau of Housing and Community Development, explained the application process and how funds are allocated to homeless assistance programs. The application includes a renewal partnership with the County called Family Futures and calls for six area agencies to provide case management to homeless families. Homelessness seems to be on the increase, especially for homeless youth. Funding for the top four applications in Tier One is guaranteed while funding for Tier Two projects will be provided if not all the federal funds are applied for. A new project proposed by a partnership of three youth agencies would provide urgently needed transitional beds for unaccompanied youth downtown. HCDC is very optimistic about receiving funding for this program as well as the other applications it has included in Tier Two.

Commissioner Kafoury said for 15 years the City and County have worked jointly on these applications and has been very fortunate in getting good contributions. When services were divided with the County last year, the City had just completed the Shelter Reconfiguration Plan for the single homeless population but the issue of what to do about families has not been adequately addressed as yet. It is hoped that the County will now step up and do the same kind of planning for families.

Mayor Katz noted that the request goes beyond the City's \$2.7 million allocation to \$3.3 million but staff believes that Housing and Urban Development (HUD) will not split the difference and will give the City the \$3.3 million.

Mr. Berry said HUD allows a City to go over its pro rata allocation by a certain percentage or 125 percent.

Ms. Cherubini said HCDC ranks proposals partly on the basis of the citizen participation process and staff improved that process this year in order to increase the funding chances for the City's Tier Two proposals.

Disposition: Resolution No. 35713. (Y-5)

1069 Make a finding that speeding has had a negative impact on traffic safety on certain streets and direct the Portland Police Bureau to deploy photo radar on those streets (Ordinance)

Discussion: Mayor Katz said this expansion of the use of photo radar is in direct response to citizen complaints about speeding and traffic violations.

Bruce Prunk, Assistant Police Chief, said this additional tool will help with neighborhood safety and livability, especially on streets that have fatal or serious injury accidents or an unusually high number of crashes or traffic complaints. In 1994, the Police Bureau responded to 433 neighborhood traffic complaints, 90 percent of which involved speeding. In 1998, that number increased to 986. Registered vehicles in Multnomah County increased from 500,000 in 1991 to 615,000 in 1997.

Captain Pat Nelson, Traffic Division, said the photo radar program has been popular and successful and this finding will allow them to expand to other areas where there are a high number of complaints.

Mayor Katz asked about the distribution of revenues from fines.

Assistant Chief Prunk said meetings are being held with the District Attorney and the Courts to review how the money is distributed. He noted that the State pays the City nothing to manage the State highways which are within the City. He said traffic complaints are second only to drug complaints in the City and in the last year the number of traffic citations increased by 35 percent.

Disposition: Passed to Second Reading July 29, 1998 at 9:30 a.m.

Commissioner Jim Francesconi

***1070** Authorize agreement to reimburse the Kenton Action Plan for part of the cost of studying the feasibility of moving the historic Stockyards Exchange Building to the Heron Lakes Golf Course and preparing a master plan for the Heron Lakes clubhouse (Ordinance)

Discussion: Commissioner Francesconi said this is an attempt to get a new clubhouse for the golf course and save a historic building at the same time.

David Meyers Eatwell, Kenton Action Plan, explained the historic significance of this building

to Kenton, which at one time was known as "Cow Town." He said moving a 2,000 ton building is a daunting prospect, which will be undertaken only if the feasibility study returns with a positive projection.

Gordon Wilson, Portland Parks and Recreation, said at first the Parks Bureau thought the building would be too large for a clubhouse but the more the idea was explored, the more appealing it became. The key question concerns the technical feasibility of moving and remodeling the building. A funding partner will be needed, someone who could operate the remaining space in the building under a long term lease in exchange for contributing to the renovation.

Commissioner Francesconi said an interbureau renovation team is being formed to help and there is also a gap of \$40,000 in unidentified expenses.

Commissioner Hales said this is a crazy idea that deserves Council's full support.

Disposition: Ordinance No. 172510. (Y-5)

Commissioner Charlie Hales

1071 Consider vacating a portion of the dead-end remnant of NE Simpson Street east of NE 112th Avenue at the request of James Property Investments (Hearing; Report; C-9947)

Discussion: Richard Allen, attorney representing James Property Investments, said this was a non-controversial item before the Planning Commission as the one known opponent did not appear. He said the street is a dead-end which does not connect to anything.

Commissioner Hales moved to approve the report and direct preparation of an ordinance. Commissioner Kafoury seconded.

Disposition: Approved; City Engineer prepare ordinance. (Y-5)

1072 Consider vacating a portion of SW Hume Street north of SW Hume Court at the request of Carol Adler (Hearing; Report; C-9948)

Discussion: Commissioner Hales moved to approve the report and direct preparation of an ordinance. Commissioner Kafoury seconded.

Disposition: Approved; City Engineer prepare ordinance. (Y-5)

***1073** Authorize a contract with Spencer Vail to assist the Bureau of Planning with land use reviews for adjustments to sign regulations with concurrent design reviews without advertising for proposals (Ordinance)

Discussion: David Knowles, Director, Bureau of Planning, said this will allow Mr. Vail to help the bureau process 72 sign code adjustment requests submitted by Ackerley Communications (AK Media Inc.). The applications generally request new freestanding signs

or increases in the size of existing, freestanding signs. The current sign code limits sizes to 100 square feet or less in the residential zones and 200 square feet or less in most commercial zones. The requests are for adjustments to those size limits and generally apply to "billboards" although that is not a Code classification. Adjustments are permitted in many zones and staff has identified about 50 of the requests which apply to areas where adjustments are granted. About 20 requests are for new signs in areas where they are prohibited and most of those have already been returned to Ackerley. However, because the Bureau must process the remaining applications within a specified time frame, outside assistance is needed to process them as quickly as possible in order to meet all legal deadlines.

Mayor Katz asked about the moratorium.

Mr. Knowles said that applies only to wall signs and these are for freestanding signs, all owned by AK Media. Staff looks at them as billboards although the Code treats all freestanding signs the same. Currently, under rules Council adopted two years ago, their sizes are limited and no new freestanding signs in excess of those limits are permitted. However, staff is obligated to measure any requests received against the approval criteria and render an administrative land decision. The applications were accompanied by a very thick set of legal documents regarding the constitutionality of the City's sign code.

Mayor Katz said she has had it up to here with what is going on and believes Council should double back and address the issue of billboards and wall signs. Perhaps there should be no distinction between them.

Disposition: Ordinance No. 172511. (Y-5)

Commissioner Gretchen Miller Kafoury

1074 Accept recommendation of the Mediation Advisory Committee (Report)

Discussion: Commissioner Kafoury said initially she recommended that the City's mediation center be spun off to a non-profit community provider. An advisory committee was appointed, followed by issuance of a Request for Qualifications (RFQ). The committee began work to make volunteers a key part of the program after realizing that its biggest gap was the failure to fully use them.

JoAnne Jackson, Advisory Committee member, said the committee received no responses to its RFQ from non-profit organizations and now believes the center should remain within the City and be staffed by City employees. Some monumental steps have already been taken, particularly in training volunteers and beginning interviews for a permanent manager-director.

Jamie Damon, Interim Director, Neighborhood Mediation Center, said the report includes an update on the Center's work over the past year and addresses several concerns raised by Council members about response time, follow-through and use of volunteers. Regarding diversification of funding, a grant for \$33,000 enabled them to do additional volunteer training and bring on a part time mediator for siting disputes. An Outer Southeast mediation program is

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also being organized, primarily to address police referrals in outer Southeast. That program is seeking a \$150,000 grant from the U.S. Community Justice Institute.

Commissioner Francesconi asked how performance outcomes would be determined.

Ms. Damon said some of those were discussed in an earlier report and there are also national standards for what makes such mediation centers successful.

Commissioner Kafoury said one outcome was to significantly build the volunteer base and another was to diversify funding.

Ms. Damon said the current committee will continue so that its members can assume an advocacy role.

Mayor Katz said Council needs to see measurements in terms of turn-around time and the percentage of cases cleared so the City does not end up where it was before.

Celia Heron, Interim Director, Office of Neighborhood Involvement (ONI), said ONI now has a very sophisticated computer system that can generate that kind of information.

Commissioner Kafoury said this year's budget added \$150,000 one-time-only funds and later that will have to be transitioned to on-going funding. She said in the past the program has tried to get money from other governments, i.e. Multnomah County, to help defer costs for disputes about animal control, and hopefully partnerships can be built with jurisdictions that do business with the Center. This is a highly valued community resource and it is appropriate to house it with the City.

Disposition: Accepted. (Y-5)

- *1075** Intergovernmental agreement with the Department of State Police, Oregon Emergency Management, for Portland to provide training materials and disaster exercises for emergency management and disaster services personnel (Ordinance)

Disposition: Ordinance No. 172512. (Y-5)

City Auditor Barbara Clark

- 1076** Assess benefitted property for the cost of constructing street and sidewalk improvements in the NE Martin Luther King Jr. Blvd/Wygant Street Local Improvement District (Hearing; Ordinance; C-9942)

Disposition: Passed to Second Reading July 29, 1998 at 9:30 a.m.

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1077 Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through June 12, 1998 (Second Reading Agenda 1037; Y1029)

Disposition: Ordinance No. 172513. (Y-5)

At noon, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF JULY, 1998 AT 2:00 P.M.

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

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

Commissioner Charlie Hales

1080 Tentatively grant appeal, with conditions, of Northrup Investment Company, applicant, against Hearings Officer's decision to deny a conditional use to expand the BridgePort Brewing Company Pub at 1313 NW Marshall Street (Findings; Previous Agenda 1014; 97-01217 CU)

Discussion: Steve Gerber, Bureau of Planning, said the findings reflect refine and define the unique situation around the Bridgeport Brew Pub that brought about Council approval.

Commissioner Hales moved adoption of the findings.

Commissioner Francesconi said he is thankful for the addition to the findings that clarifies Council's policy in support of industrial sanctuaries and states that this very narrow exception cannot be used as precedent to nibble away at the edges of the sanctuary boundaries.

Disposition: Findings Adopted. (Y-5)

1078 **TIME CERTAIN: 2:00 PM** - Accept the North Marine Drive widening report and recommendation (Resolution introduced by Commissioner Hales)

Discussion: Jeanne Caswell, Portland Office of Transportation (PDOT), described the work of the Advisory Committee in trying to find a solution for the 2.4 mile widening and extension of N. Marine Drive to include relocation of a rail crossing in the Rivergate Industrial portion of North Portland. This report is the culmination of an 18-month public process that involved a very diverse group of interested parties. She noted that the City entered into an intergovernmental agreement with the Port of Portland to have the City manage this project and the funding has been entirely provided by the Port.

Ms. Caswell said the project has a long history, beginning in the 1970s, with regard to providing improved transportation access to Rivergate. In addition to its significance as an enormously successful industrial park adjacent to the deepwater ports, Rivergate is home to Smith and Bybee Lakes. These lakes are a regionally significant natural resource area, home to many wildlife species, including the painted turtle, and the area is currently managed by Metro through the Greenspaces program. A transportation system improvement analysis was conducted by the City in the 1980s and \$25 million in federal funds was secured to extend

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Marine Drive from I-5 into Rivergate. That project was completed two years ago.

Ms. Caswell noted that the Port had agreed to pay for improving the 2.5 miles within Rivergate itself. The Port's original proposal called for the widening of Marine Drive to continue the extension just completed and to relocate the rail crossing at the south edge of the roadway, immediately adjacent to Smith Lake. That proposal was aired at a meeting attended by 150 people, none of whom supported it. Among the issues raised were protection of the painted turtle habitat and the potential danger of putting the railroad immediately adjacent to Smith Lake. The City and the Port subsequently conducted a public process to bring together a very wide and diverse range of people, groups and property owners affected by this project. A technical advisory committee was also formed to help sift through the issues.

Ms. Caswell said both the citizens advisory and technical advisory committees met for over a year and their efforts culminated in a joint meeting held in May, 1997. The 11 alignment alternatives they developed were short-listed to six and then ranked, along with attenuating issues for each alignment. The alignment recommended today, known as Road Over Rail, meets the intent of the committees and will ultimately maintain the street grid system. It includes the design and right-of-way acquisition for five lanes of roadway, with no further intrusion south, adjacent to Smith and Bybee Lakes. Other features will include a 2.5 mile extension of the 40-mile loop, pedestrian and bikeway improvements, noise protection via a wall or berm adjacent to Smith and Bybee Lakes, and passive stormwater treatment and hazardous spill containment facilities. Furthermore, the bridge over the railroad crossing will be freestanding, not constructed on fill. Funding remains the one outstanding issue as the original Port proposal was estimated to cost \$9 million while this proposal is estimated to cost \$26 million. At this point the Port does not have the additional resources to cover the entire cost but believes that certain short-term problems, particularly those involving safety and truck traffic, need immediate attention. For that reason, construction is proposed in two phases with Phase One, at an estimated cost of \$9 million, to include all the roadway widening and attenuating improvements. The bridge would be built in Phase Two and the delay will add another \$1 million to the cost. The advisory committees have accepted the compromise proposal and the phased construction. The Port Commission adopted the alignment at a recent meeting and agreed to fund Phase One. Project design will follow Council approval of the ordinance on today's agenda and three design workshops are planned to allow continued public input.

David Lohman, Port of Portland, said the western edge of Marine Drive currently has three problems: 1) not enough lanes at the current overpass to provide for safe turns; 2) congestion at the entrance to Rivergate where signalization and road widening are needed; 3) a potential conflict between road and rail as rail traffic increases in Rivergate. He said the Port underestimated public concern with their initial alignment and thus chose to go through this process to finally arrive at this compromise proposal. He said the price is very high, moving from \$8 to \$27 million, but appears to be needed to deal with the concerns raised. The Port does not have the resources to do Phase Two and will be looking at other sources, including federal funds, to fund that. Phase Two deals primarily with the conflict between road and rail.

Robert Price, Columbia Corridor Association and member of the citizens advisory committee,

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said this alternative appears to solve the issues raised by businesses, governments and the environmentalists. He said the Association supports this alignment and urges the Port and City to pursue funding options and closely monitor design and construction.

Emily Roth, Smith and Bybee Lakes Manager for Metro and member of the technical advisory committee, emphasized the importance of protecting the western painted turtle from threatened extinction. She said the citizens and technical advisory committees should continue to be involved during the design phase and a public meeting should be held upon completion of the design and before construction. She asked Council to amend the ordinance to call for a separate intergovernmental agreement for the construction phase.

Frank Opila, President, Friends of Smith and Bybee Lakes, supported the "Road over Rail" alternative and listed a number of conditions that need to be addressed, including turtle monitoring, noise mitigation, stormwater treatment and hazardous spill containment. The Friends also support holding a public hearing upon completion of the design work and before construction is approved.

Troy Clark, Vice President, Friends of Smith and Bybee Lakes and member of the Citizens Advisory Committee, said the design and expected effectiveness of the sound berm and vegetative buffers are of particular importance to them. He said the immediate dollar outlays will be well rewarded in the long term protection of the Lakes.

Peter Teneau, Citizens Advisory Committee member, said buffering is an essential part of mitigation for the three-fold traffic increases that are anticipated as well as rising noise levels. He supported the amendment requested by Ms. Roth.

Chuck McKenzie, Nordstrom, strongly supported this option and noted that his company's distribution center, which employs 300 full-time and 200 temporary employees, is located in Rivergate. He said Nordstrom has two concerns. First, if there is any encroachment onto their truckway, they will have to move. Second, the current design could eliminate all landscaping on the southern end of their property. This is not what the company wants and he hopes this can be resolved during the design process.

Polly Knox, Citizens Advisory Committee member, said it is essential that Phase One address the conditions pertaining to the protection of wildlife corridors and the placement of vegetative buffers between the roadway and the Lakes.

Tom Braden, President, Rodda Paint, supported the Road over Rail alternative. He reminded Council that the City forced his company to move 17 years ago when it widened Macadam Boulevard and helped him relocate to Rivergate. He said he became deeply involved in this process when he learned that three of the 11 alternatives initially proposed went right through his facility as did the first-ranked proposal. He said while skeptical at first about the environmental issues, his involvement led to a 180 degree turnaround and he now believes it is imperative to take care of the environmental concerns in the first phase to protect livability.

Mayor Katz asked Ms. Caswell about holding a public hearing after completion of the design.

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Ms. Caswell said typically PDOT does that, without exception, and she will be happy to have the record state this will be done.

Commissioner Francesconi said the conflict between having good paying jobs in the City and protecting the natural environment is a significant issue for the City. He said it would be nice to have environmentalists support the need for good paying jobs as well as protecting natural resources.

Commissioner Hales said this is a good solution that respects both those values.

Commissioner Sten said this is a remarkable solution and, in the wake of the steelhead listing, points up the need for citizens to find creative ways to do things.

Mayor Katz said she is convinced there is room in Portland for both business and environmentalists.

Disposition: Resolution No. 35714. (Y-5)

***1079** Amend agreement with Port of Portland for project management services relating to the extension of N. Marine Drive (Ordinance introduced by Commissioner Hales; amend Agreement No. 170729)

Disposition: Ordinance No. 172514. (Y-5)

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council