

**ANNOTATED AGENDA FOR THE
MEETINGS OF THE
BOARD OF COMMISSIONERS**

Thursday, February 15, 2001 - 9:30 AM

Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:31 a.m. with Vice-Chair Lisa Naito, and Commissioners Diane Linn, Serena Cruz and Lonnie Roberts present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER LINN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

C-1 Board Confirmation of Commissioner Assignments to Committees

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

C-2 RESOLUTION Authorizing Execution of Deed D011765 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

RESOLUTION 01-014.

C-3 RESOLUTION Authorizing Execution of Deed D011766 for Repurchase of Tax Foreclosed Property to Former Owner BERTRAM F. RUDOLPH JR

RESOLUTION 01-015.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

C-4 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

ORDER 01-016

REGULAR AGENDA
PUBLIC COMMENT

Public Comment was made and received for the record.

SHERIFF'S OFFICE

R-1 Budget Modification MCSO 01 Requesting \$89,920 General Fund Contingency to Pay for 3.9 FTE Facility Security Officers and Related Equipment to Staff a State Court Established Night Court in Gresham

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-1 FOR PURPOSES OF DISCUSSION. CHAIR STEIN ADVISED THE BOARD WOULD LISTEN TO THE EXPLANATION AND THEN DECIDE WHETHER TO PROCEED. JUDGE JAMES ELLIS EXPLANATION, ADVISING THE COURT REQUESTED THIS GENERAL FUND CONTINGENCY BECAUSE THE STATE EMERGENCY BOARD APPROVED FUNDING FOR ADDITIONAL COURT ARRANGEMENTS AND THEY ARE SEEKING FUNDING FROM THE COUNTY FOR NIGHT COURT SECURITY IN GRESHAM. JUDGE ELLIS RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS, INCLUDING DISCUSSION OF THE NEED FOR A NEW COURTHOUSE. AT THE REQUEST OF COMMISSIONER CRUZ, SHERIFF DAN NOELLE COMMENTED THAT JUDGE ELLIS HAS A GOOD PLAN FOR USE OF THE FACILITY AND THAT HE SUPPORTS SAME. SHERIFF NOELLE INTRODUCED CAPTAIN CAROL HASLER IN CHARGE OF SECURITY. JUDGE ELLIS STATED HE FEELS THERE IS A GREATER NEED FOR SECURITY IN THE EVENINGS IN GRESHAM, INCLUDING TRAFFIC COURT COLLECTION OF CASH IN PAYMENT OF FINES. COMMISSIONER CRUZ ADVISED JUDGE ELLIS SHE HAS TREMENDOUS RESPECT FOR HIS RESPONSIBILITIES, BUT THAT SHE HAS PROCESS CONCERNS AND QUESTIONS. IN RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ, DEPUTY COUNTY ATTORNEY SANDRA DUFFY ADVISED THAT STATE STATUTE MANDATES THAT THE COUNTY PROVIDES COURTHOUSE FOR COURT FUNCTIONS; THAT THE COUNTY HAS BEEN PROVIDING SECURITY AT THE DOWNTOWN COURTHOUSE; AND THAT THE COUNTY HAS NOT BEEN PROVIDING SECURITY IN GRESHAM. MS. DUFFY STATED SHE IS NOT PREPARED TO DISCUSS RISK MANAGEMENT ISSUES BUT THAT IT NEEDS TO BE ADDRESSED. COMMISSIONER CRUZ SUGGESTED THAT THE BOARD POSTPONE DECISION ON THIS ISSUE FOR A WEEK OR TWO AND ASK THE SHERIFF AND BUDGET ANALYST JULIE NEBURKA TO REVIEW THE SHERIFF'S BUDGET. DURING DISCUSSION ON CLARIFICATION OF WHETHER TO POSTPONE MATTER FOR TWO WEEKS OR TO POSTPONE INDEFINITELY IN ORDER TO BRING BACK A NEW BUDGET MODIFICATION, SHERIFF NOELLE ASKED FOR CLARIFICATION OF THE INTENT OF COMMISSIONER CRUZ, STATING HE DOES NOT WANT THE COSTS TO COME COMPLETELY FROM HIS BUDGET AND THAT HE WANTS TO HOLD OPEN THE OPTION TO REQUEST GENERAL FUND CONTINGENCY. COMMISSIONER NAITO RESPONDED IN SUPPORT OF LOOKING AT ALL OPTIONS FOR FUNDING, ADVISING THIS IS JUST ONE PART OF THE LARGER ISSUE OF RESPONSIBILITY OF COUNTY. COMMISSIONER NAITO ADDED THAT SHE WANTS TO BE SURE ALL OTHER REVENUES ARE EXHAUSTED PRIOR TO AUTHORIZING A CONTINGENCY TAP. CHAIR STEIN STATED SHE SUPPORTS THE PROPOSED AMENDMENT. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER CRUZ,

SECONDED BY COMMISSIONER NAITO, THE BUDGET MODIFICATION WAS UNANIMOUSLY CONTINUED ONE WEEK, TO THURSDAY, FEBRUARY 22, 2001 WITH DIRECTION THAT THE SHERIFF AND BUDGET ANALYST LOOK AT FUNDING OTHER THAN GENERAL FUND CONTINGENCY.

DEPARTMENT OF HEALTH

R-2 Intergovernmental Agreement 4600001346 with Oregon Health Division Center for Disease Prevention and Epidemiology, Providing the County with Technical Assistance in Research Design and Serving as a Consultant Regarding Implementation and Evaluation of the County's Healthy Start Initiative Grant from the Federal Health Resources and Services Administration

COMMISSIONER LINN MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. ITEM TABLED UNTIL STAFF ARRIVES.

COMMISSIONER LINN MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. KATHY THOMPSON EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY JUSTICE

R-3 NOTICE OF INTENT to Apply for a \$250,000 Regional Investment Program Grant to Facilitate the Provision of Employment Services to Ex-offenders Soon to be Released from the Columbia River Correctional Institute, in Collaboration with the Oregon Department of Corrections and work systems, inc.

COMMISSIONER NAITO MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. CINDY STADEL AND KEVIN CRISWELL EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONERS ROBERTS AND CRUZ. COMMISSIONER CRUZ STATED SHE IS NOT CONFIDENT IN THE ABILITY OF THIS PARTNERSHIP, TAKES GREAT OFFENSE THAT THE GRANT WAS APPLIED FOR WITHOUT PRIOR APPROVAL OF THE BOARD, AND THAT SHE WILL BE VOTING NO. MS. STADEL RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS AND COMMENTS OF CHAIR STEIN. COMMISSIONER CRUZ STATED THAT WORKSYSTEMS INC. CANNOT SERVE THE EX-OFFENDER POPULATION. NOTICE OF INTENT APPROVED, WITH COMMISSIONERS NAITO, LINN, ROBERTS AND STEIN VOTING AYE, AND COMMISSIONER CRUZ VOTING NO.

DEPARTMENT OF SUPPORT SERVICES

R-4 RESOLUTION Adopting Multnomah County Investment Policy for Fiscal Year 2000-2001

COMMISSIONER LINN MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-4. HARRY MORTON EXPLANATION. CHAIR STEIN AND COMMISSIONER NAITO COMMENTS IN APPRECIATION AND SUPPORT. RESOLUTION 01-017 UNANIMOUSLY APPROVED.

DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT

R-5 RESOLUTION Approving Purchase of Real Property at 722, 732 and 736 NE Couch Street, and Authorizing the Chair to Execute Documents Necessary to Complete the Purchase

COMMISSIONER CRUZ MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. BOB OBERST AND LIV JENSSEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. RESOLUTION 01-018 UNANIMOUSLY APPROVED.

R-6 First Reading of an ORDINANCE Amending Multnomah County Code Chapters 11.15, 33, 34, and 35 to Provide Standards for the Appropriate Location, Regulation, and Development of Wireless Communications Facilities

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER LINN ADVISED SHE SHOULD MOVE TO ADD EMERGENCY CLAUSE ALLOWING ORDINANCE TO BE EFFECTIVE IMMEDIATELY UPON ADOPTION. COMMISSIONER LINN MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF FIRST READING AND POSSIBLE ADOPTION OF ORDINANCE AMENDING MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, AND 35 TO PROVIDE STANDARDS FOR THE APPROPRIATE LOCATION, REGULATION, AND DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES, AND DECLARING AN EMERGENCY. COUNTY PLANNERS SUSAN MUIR AND KIM PEOPLES EXPLANATION. ADRIENNE KEITH TESTIMONY IN SUPPORT OF ORDINANCE WITH CAVEAT THAT CITIZENS STILL BE PART OF PROCESS BUT NOT ENCUMBER IT AND THAT FCC RADIO FREQUENCY EMISSIONS BE MONITORED. FRED HALL TESTIMONY ADVISING HE WANTS MULTNOMAH COUNTY TO KEEP ITS NOSE OUT OF THE RIGHTS OF PROPERTY OWNERS WHO MANY WANT TO DO BUSINESS WITH CELL TOWER PLACEMENT. LYNN TRUPP AND ART DUMMER TESTIMONY IN SUPPORT OF ORDINANCE. WEST OF SANDY AREA RESIDENT ALEX ANDERSON TESTIMONY EXPRESSING HOPE THAT OTHER OPTIONS ARE EXPLORED. AT&T WIRELESS CONSULTANT SPENCER VAIL TESTIMONY IN SUPPORT OF ORDINANCE WITH CONCERN REGARDING USE OF VARIANCE AND SUGGESTION THAT LIMITATION OF ONLY ONE MONOPOLE PER PIECE OF PROPERTY BE ELIMINATED. QUEST

WIRELESS REPRESENTATIVE KEVIN MARTIN TESTIMONY EXPRESSING CONCERN THAT THE ORDINANCE DOES NOT INDICATE WHAT KIND OF WIRELESS FACILITIES CAN BE LOCATED WITHIN RIGHTS OF WAY; THAT IT IS PUNITIVE AND DISCRIMINATORY AGAINST WIRELESS FACILITIES; AND THAT THE COUNTY PROVISIONS ARE MORE RESTRICTIVE THAN STANDARDS SET FOR UTILITY FACILITIES IN EFU ZONES BY ORS CHAPTER 215 AND OREGON ADMINISTRATIVE RULES FOR FOREST ZONES. IN RESPONSE TO A QUESTION OF CHAIR STEIN, MR. MARTIN ADVISED HIS CONCERNS WERE SUBMITTED TO THE PLANNING COMMISSION. IN RESPONSE TO A QUESTION OF COMMISSIONER LINN, DEPUTY COUNTY ATTORNEY SANDRA DUFFY ADVISED THAT COUNTY ORDINANCES CAN BE MORE RESTRICTIVE THAN STATE LAW. IN RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS, MR. MARTIN ADVISED THE PHONE COMPANY CANNOT LOCATE TELEPHONE POLES IN UNINCORPORATED PORTIONS OF THE COUNTY AT THIS TIME. RUDIE PLETZ TESTIMONY SUGGESTING THAT THE PORTION OF THE ORDINANCE REGARDING ABANDONMENT REQUIRING THAT THE PROPERTY OWNER HAS TO REMOVE THE TOWER BE STRICKEN AND A BOND BE REQUIRED OF THE CELL TOWER CARRIER. IN RESPONSE TO A QUESTION OF MR. PLETZ, CHAIR STEIN ADVISED THE EMERGENCY CLAUSE WILL BE DISCUSSED AFTER PUBLIC TESTIMONY. JULIE WONG AND EILEEN WONG TESTIMONY EXPRESSING CONCERN FOR PUBLIC HEALTH SAFETY IN AREAS INUNDATED WITH CELL TOWERS. MS EILEEN WONG ASKED WHETHER CELL TOWERS EMIT RADIATION. AT THE REQUEST OF CHAIR STEIN AND COMMISSIONER ROBERTS, COUNTY PLANNER KIM PEOPLES EXPLAINED THAT THE COUNTY IS PROHIBITED FROM MONITORING THE FCC AND THAT CELL TOWERS ARE NOT RADIOACTIVE, NOT MICROWAVE OR X-RAY SPECTRUM. COMMISSIONER LINN COMMENTED THAT THE GREATEST PUBLIC HEALTH SAFETY ISSUE IS DRIVING WHILE USING A CELL PHONE. AT THE REQUEST OF COMMISSIONER LINN PLANNERS SUSAN MUIR AND KIM PEOPLES ADDRESSED TECHNOLOGY CONCERNS AND LOCATION MOUNTS. COMMISSIONER NAITO EXPRESSED CONCERN OVER THE NEED FOR AN EMERGENCY CLAUSE. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, MS. MUIR ADVISED THAT PUBLIC DISCUSSIONS BEGAN IN JULY, 2000 AND CONTINUED IN AUGUST, SEPTEMBER AND OCTOBER, 2000. MS. MUIR ADVISED THAT THEIR DATABASE CONTAINS CARRIERS, SERVICE PROVIDERS, INTERESTED PARTIES AND PRIVATE PROPERTY OWNERS, 5,000 OF WHOM WERE PROVIDED NOTICE 25 TO 30 DAYS PRIOR TO TODAY'S HEARING AND THAT DRAFTS OF THE PROPOSED ORDINANCE HAVE BEEN POSTED ON THE COUNTY WEBSITE SINCE LAST SUMMER. COMMISSIONER CRUZ ADVISED SHE INITIALLY SHARED COMMISSIONER NAITO'S CONCERNS REGARDING THE EMERGENCY CLAUSE, THAT SHE IS USUALLY OPPOSED TO EMERGENCY CLAUSES, BUT THAT SHE IS CONVINCED THAT APPROPRIATE PUBLIC NOTICE AND INPUT HAS BEEN PROVIDED IN THIS INSTANCE. COMMISSIONER CRUZ THANKED STAFF, THE PUBLIC AND MEMBERS OF THE INDUSTRY FOR THE WORK DONE AND THE WILLINGNESS OF EVERYONE TO PARTICIPATE IN THIS CHALLENGING PROCESS AND ADVISED THAT SHE SUPPORTS THIS ORDINANCE. CHAIR STEIN COMMENTED IN

ACKNOWLEDGEMENT AND APPRECIATION OF THE WORK DONE, STATING THAT THE COUNTY CAN AND DOES APPLY HIGHER STANDARDS. CHAIR STEIN STATED SHE LIKES THE WAY THE ORDINANCE IS STRUCTURED. COMMISSIONER LINN THANKED STAFF AND EVERYONE INVOLVED IN THE PROCESS AND ADVISED THAT FOLKS IN THE SAUVIE ISLAND AREA OF HER DISTRICT ARE ANXIOUS TO GET CELL TOWER COVERAGE AND THAT SHE APPRECIATES HER COLLEAGUES WILLINGNESS TO CONSIDER ADOPTING THIS ORDINANCE ON AN EMERGENCY BASIS SO IT MAY BECOME EFFECTIVE IMMEDIATELY. COMMISSIONER NAITO EXPRESSED HER APPRECIATION FOR THE WORK OF STAFF, THE PUBLIC AND INDUSTRY REPRESENTATIVES; AND STATED THAT MULTNOMAH COUNTY HAS A STRONG LAND USE SYSTEM; AND THAT SHE FEELS THIS ORDINANCE SEEKS BALANCE AND GIVES THE COMMUNITY THE ABILITY TO HAVE A SAY IN WHAT OUR COMMUNITY LOOKS LIKE. MOTION TO AMEND ORDINANCE BY ADDING THE EMERGENCY CLAUSE, UNANIMOUSLY APPROVED. FIRST READING AND ADOPTION OF ORDINANCE 958 UNANIMOUSLY APPROVED, AS AMENDED.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:02 p.m.

Submitted by:
Lynda J. Grow, Board Clerk,
Marina Baker, Assistant Board Clerk and
Shirley Luo, Intern
Board of County Commissioners
Multnomah County