



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF MARCH, 1992 AT 9:30 A.M.

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

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

Mayor Clark declared March 8, 1992 as International Women's Day.

Commissioner Blumenauer presented Ron Kleinschmidt, Office of Transportation, with a plaque in recognition of his extraordinary efforts on the Holladay Street project adjoining the Convention Center.

Agenda No. 400 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 392** Accept bid of Clearwater Construction Company for Columbia Boulevard Treatment Plant outfall modification for \$192,525 (Purchasing Report - Bid 65)

Disposition: Accepted; prepare contract.

- 393** Accept bid of Water Pollution Control Corp. for Columbia Boulevard Wastewater Treatment Plant fine bubble membrane disc aeration equipment for \$379,000 (Purchasing Report - Bid 66)

Disposition: Accepted; prepare contract.

- 394** Accept bid of Werbin West Contracting Inc., for construction of NE Whitaker Way and 130th Avenue storm sewer system for \$116,070 (Purchasing Report - Bid 71)

Disposition: Accepted; prepare contract.

March 4, 1992

Mayor J. E. Bud Clark

- 395** Recommend approval of Oregon Business Development Loan Fund Project for James O. Kelly DBA Rejuvenation House Parts Company (Resolution)

Disposition: Resolution No. 34963. (Y-5)

- *396** Settle claims of Jerry W. Harris (Ordinance)

Disposition: Ordinance No. 165143. (Y-5)

- *397** Pay claim of Julianne Spears (Ordinance)

Disposition: Ordinance No. 165144. (Y-5)

- *398** Pay claim of Aloha M. Schade (Ordinance)

Disposition: Ordinance No. 165145. (Y-5)

- *399** Authorize intergovernmental agreement with Port of Portland to provide police services (Ordinance)

Disposition: Ordinance No. 165146. (Y-5)

- *401** Contract with McBride/Ralston Architects, P.C., for \$24,100, for architectural services for the repair of the roofs of eleven Bureau of Environmental Services buildings, waive consultant selection procedures, and provide for payment (Ordinance)

Disposition: Ordinance No. 165147. (Y-5)

Commissioner Earl Blumenauer

- *402** Revocable permit to Oregon Ballet Theatre to maintain banners on street light poles from May 1 to May 17, 1992 (Ordinance)

Disposition: Ordinance No. 165148. (Y-5)

- *403** Revocable permit to Portland Public Schools to maintain banners on street light poles from May 5 to May 15, 1992 (Ordinance)

Disposition: Ordinance No. 165149. (Y-5)

March 4, 1992

- *404** Revocable permit to Kells Irish Restaurant and Pub to close SW 2nd Avenue between SW Ash and Pine Streets on March 13, 1992 to March 16, 1992 (Ordinance)

Disposition: Ordinance No. 165150. (Y-5)

- *405** Revocable permit to Jake's Restaurant to close SW Stark Street between SW 12th and 13th Avenues on March 16 through March 18, 1992 (Ordinance)

Disposition: Ordinance No. 165151. (Y-5)

- *406** Call for bids for the construction of West Hollywood Fred Meyer Neighborhood Traffic Management Project improvements, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165152. (Y-5)

- *407** Lease air-rights over SE Hawthorne Boulevard between SE Grand Avenue and SE 6th Avenue to United States National Bank of Oregon for an existing pedestrian skywalk (Ordinance)

Disposition: Ordinance No. 165153. (Y-5)

- *408** Call for bids for the Columbia Boulevard Wastewater Treatment Plant scum & sludge conveyance improvements, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 165154. (Y-5)

- *409** Continue negotiations to purchase four permanent sewer easements and one temporary construction easement for construction of the Woodland Sanitary Sewer, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 165155. (Y-5)

- *410** Continue negotiations to purchase seven permanent sewer easements and one temporary construction easement for construction of the Irvington LID Sanitary Sewer System Project, begin condemnation proceedings, if necessary, obtain early possession (Ordinance; C-9775)

Disposition: Ordinance No. 165156. (Y-5)

March 4, 1992

- *411** Continue negotiations to purchase two temporary construction easements for construction of the Mill Park Sanitary Sewer System, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance; C-9777)

Disposition: Ordinance No. 165157. (Y-5)

- *412** Call for bids for the Columbia Boulevard Wastewater Treatment Plant secondary clarifier painting project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165158. (Y-5)

- *413** Call for bids for the Columbia Boulevard Wastewater Treatment Plant grit disposal materials handling facility, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 165159. (Y-5)

Commissioner Dick Bogle

- 414** Accept contract with 2KG Contractors for construction of Phase I of Fire Bureau Training Center as complete and authorize final payment of \$15,448 (Report; Contract No. 26865)

Disposition: Accepted.

Commissioner Gretchen Kafoury

- *415** Authorize two grant applications to support the funding of Community Planning historic preservation activities and a long range planning archaeological study (Ordinance)

Disposition: Ordinance No. 165160. (Y-5)

- *416** Revocable permit to Helen C. Dillon for a law office at 3005 SE Carlton Street until January 1, 1993, under certain conditions (Ordinance; 91-00747RP)

Disposition: Ordinance No. 165161. (Y-5)

March 4, 1992

Commissioner Mike Lindberg

- 417** Accept contract with Marshall Associated Contractors, Inc., for water mains as complete and approve final payment (Report; Contract No. 27118)

Disposition: Accepted.

- 418** Accept contract with Werbin West Contracting Inc., for water mains as complete and approve final payment (Report; Contract No. 27122)

Disposition: Accepted.

- 419** Appoint Roger Burt to the Water Quality Advisory Committee (Resolution)

Disposition: Resolution No. 34964. (Y-5)

- *420** Set hearing on withdrawal of territory from Hazelwood Water District, Powell Valley Road Water District, and Raleigh Water District at 9:30 a.m., March 18, 1992 (Ordinance)

Disposition: Ordinance No. 165162. (Y-5)

REGULAR AGENDA

- *400** Authorize an agreement with Williams, Fredrickson, Stark & Weisensee, P.C. (Counsel) for special legal counsel to obtain through negotiation or condemnation certain property for a police precinct headquarters (Ordinance)

Discussion: Commissioner Bogle said he had some concerns with this agreement.

Mayor Clark ordered that it be continued until the afternoon session.

Disposition: (see action taken at end of morning session)

- 390** **TIME CERTAIN: 9:30 AM** - Briefing on the Region 2040 Project by Metro staff (Report introduced by Commissioner Kafoury)

Discussion: Ethan Seltzer, Metro Land Use Supervisor, said this project recognizes that it is time to reexamine the ways the region is developing and make some choices about how we want to grow. The first phase of Project 2040 will be to define four to six major alternatives that seem to make the most sense and the second phase will look at the costs and

March 4, 1992

benefits of these choices. The study will take approximately two years and should result in a long range, viable vision for the region.

Commissioner Kafoury said public interest has been high, judging from the number of those who applied to serve as citizen representatives.

Commissioner Blumenauer said he hopes Council can tie together the information generated by planning efforts for water, storm water, liveable cities and the rail agenda. He said the City cannot afford to have these misaligned or duplicated.

Disposition: Placed on file.

391 TIME CERTAIN: 9:45 AM - Direct the Bureau of Planning to undertake a project to maintain and enhance livability and accommodate growth under existing Comprehensive Plan Goals and Policies (Resolution introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said this addresses, in a creative way, the growth projected to occur within the City's boundaries. She said she believes the major concern for neighborhoods is how to accommodate this growth in a sensitive, environmentally appropriate way. She said this has Planning Commission approval.

Bob Stacey, Planning Director, said the Liveable City project is an attempt to accommodate 20 percent of the 500,000 population growth projected in the next 20 years within the City and at the same time enhance the liveability of existing neighborhoods. He said 50,000 housing units will be needed to house this number of people and described various ideas about where this housing could be concentrated, such as within the Central City, adjoining transit stations and on main streets. He said passage of this resolution gives Planning its marching orders to begin a series of conversations with the public about these concepts

Pat Prendergast, 121 SW Morrison, said additional housing in the central city can relieve transportation problems and support opportunities for retail and cultural amenities. He said land is available now for all types of housing in the central city that could be developed. He said it is vital that affordable housing be provided in the downtown area.

Patrick LaCrosse, Portland Development Commission Director, said downtown and the Lloyd Center are logical choices for the location of new and affordable housing. He added that it is critical to link housing goals with employment opportunities.

Doug Capps, Executive Director Public Services Tri Met, said Tri-Met's support for more housing within City limits is based on its own self

March 4, 1992

interest. He said unless steps are taken now, the region is on a fast track to gridlock. Mr. Capps said enactment of these policies will allow Tri-Met to focus its efforts to ensure mobility in compact areas of higher density.

Karen Krohn, 3225 NE 32nd Place, urged Portland to make every effort to avoid the gridlock and sprawl that has occurred in Southern California.

Commissioner Blumenauer said maintaining the status quo is not an option and everyone must be honest about what increased density will mean even though it is not popular. He proposed an amendment (Item 4, page 2) stating that the housing needs of families merit special attention in accommodating growth.

Commissioner Kafoury seconded and the motion carried (Y-5).

Commissioner Lindberg said this policy will require dramatic and bold changes but he is convinced that growth in population and jobs can occur without detriment to the quality of life.

Disposition: Resolution No. 34965 as amended. (Y-5)

Mayor J. E. Bud Clark

- 421** File annexation case in Lents with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-4-92)

Disposition: Resolution No. 34966. (Y-5)

- 422** File annexation case in Hazelwood with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-3-92)

Disposition: Resolution No. 34967. (Y-5)

- *423** Authorize an agreement with City Center Parking to provide parking garage operator services at the Front and Davis garage (Ordinance)

Discussion: Paul McCoy, Rose City Parking, objected to being left out of the bidding process and ignored by City officials. He said the process is flawed from beginning to end and asked Council to pull this and allow him time to explain his concerns.

Mayor Clark said he had reviewed the bids and disagrees with Mr. McCoy's assertion that the City has not played by the rules. He said his office has responded to him on multiple occasions.

March 4, 1992

Commissioner Lindberg said he would be willing to meet with Mr. McCoy to hear his comments about the criteria.

David Kish, Director of General Services, said Mr. McCoy raised questions about contracts for two garages, one at the Third and Alder garage and one at Front and Davis. He said in response to McCoy's criticisms about Third and Alder, changes have been made in the bidding procedures and the criteria were broadened to allow more businesses to qualify. He said three bids were received on the Front and Davis garage and explained the criteria by which City Center was selected, noting a \$30,000 difference between the City Center and the Ace Company bids which were otherwise very comparable in terms of experience.

Commissioner Lindberg asked how a company like Mr. McCoy's could get enough experience to enable it to meet the bid specifications.

Mr. Kish said they believed Mr. McCoy met the minimum bid specifications, noting that several of his employees had experience with other companies.

Commissioner Bogle asked about the effect of the law suit filed by Mr. McCoy.

Mr. Kish said an intent to file a tort claim was filed by Mr. McCoy in February and that was why his earlier request for a Council hearing was deferred.

Commissioner Blumenauer asked about the selection committee.

Mr. Kish described the five member committee. He said in the past The Association for Portland Progress (APP) made the selection, subject to a veto by General Services and final Council approval. This time APP did not select the contractor and the committee did not make a recommendation but only provided raw scores and comments. Mr. Kish said he selected City Center, based on his evaluation of that information.

Disposition: Ordinance No. 165163. (Y-5)

- * **424** Consider vacating a certain portion of SW Hall Street between SW 16th Avenue and SW Upper Hall Street at request of David A. Fowler (Previous Agenda 338)

Discussion: Commissioner Blumenauer said a flurry of information has been received from both sides. He said he is concerned that the City could end up with a lose-lose situation here, noting that there properties like this where houses have inadvertently been built in the right-of-way. He said he believes this is an excellent candidate for mediation.

March 4, 1992

Commissioner Blumenauer moved that Council request mediation and involve the neighborhood association. Commissioner Bogle seconded and the motion carried (Y-5).

Jeff Kleinman, attorney for Russell and Mary Lamb, said there were four procedural errors in the process.

Commissioner Blumenauer suggested leaving the record open for the next 24 hours to allow for the filing of Mr. Kleinman's comments and additional materials from other interested parties.

After conferring with lawyers for both sides, Council granted a five week continuance to allow for mediation.

Disposition: Continued to April 8, 1992 at 2:00 p.m.

- *425** Authorize application to the Environmental Protection Agency (EPA) for a grant of \$182,140 to develop environmental education kits for distribution to teachers in the Portland School District (Ordinance)

Disposition: Ordinance No. 165164. (Y-5)

- 426** Consider vacating portions of SW Palatine, Buddington and Coronado Streets, between SW 39th Avenue and SW 43rd Avenue and portions of SW 39th, 41st and 43rd Avenues between SW Palatine Street and SW Coronado Street at the request of Heritage Building Associates (Hearing; C-9771)

Discussion: Cay Kershner, Clerk of the Council, said there had been a request to defer action on this in order to address a boundary change.

Disposition: Placed on file.

- 427** Intergovernmental agreement with Multnomah County transferring solid waste and recycling responsibilities (Second Reading Agenda 370)

Disposition: Ordinance No. 165165. (Y-5)

Commissioner Gretchen Kafoury

- 428** Approve Order of Council on withdrawal of Hearings Officer's decision on application of John L. Jersey & Son, Inc. (Order of Council; LUR 91-00651 EN)

Disposition: Approved. (Y-5)

March 4, 1992

City Auditor Barbara Clark

- 429** Assess property for sewer system development charges through December 31, 1991 (Second Reading Agenda 383; Z0135-Z0141,

Disposition: Ordinance No. 165166. (Y-5)

- 430** Assess property for sewer system development charges through February 5, 1992 (Hearing; Ordinance Z0147, Z0149, Z0150)

Disposition: Passed to Second Reading March 11, 1992 at 9:30 a.m.

Commissioner Bogle said his concerns about Agenda Item 400 had been addressed and he was willing to go ahead and vote on this item.

- *400** Authorize an agreement with Williams, Fredrickson, Stark & Weisensee, P.C. (Counsel) for special legal counsel to obtain through negotiation or condemnation certain property for a police precinct headquarters (Ordinance)

Disposition: Ordinance No. 165167. (Y-5)

At 11:05 a.m., Council adjourned.

March 4, 1992

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF MARCH, 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; Pete Kasting, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Commissioner Gretchen Kafoury

- 432** Transmit Planning Commission Report and Recommendation to the City Council on the creation of the North Cully Plan District (Report)

Discussion: Commissioner Kafoury said the only unresolved piece in this Plan was the site plan for the gravel pit and that has now been added.

Disposition: Placed on File.

- 433** Amend Title 33, Planning and Zoning Code to add the North Cully Plan District (Ordinance)

Disposition: Passed to Second Reading March 11, 1992 at 2:00 p.m.

- 431** **TIME CERTAIN: 2:00 PM** - Establish a Mid-County Sewer Financial Assistance Program for certain owners of single family residential property located in the Mid-Multnomah County Sanitary sewer system improvement project (Ordinance introduced by Commissioner Blumenauer; amend PCC Chapter 17.36)

Discussion: Commissioner Blumenauer said this will pass to second reading next week and, if approved, will become effective April 10, 1992.

Mary Nolan, Director of Environmental Services, said this ordinance changes the way the City provides for public improvements. She said the findings state the compelling need for Council to clearly articulate the public policy this advances, noting that the lynch pin for this financial assistance program is the City's interest in preserving the integrity and financial wherewithal of its neighborhoods.

Ms. Nolan reviewed the nine points in the Plan. She said it will reduce the burden of the mandated sewer program by calling for the City to pay any cost exceeding .50 per square foot and also allows for a \$500 cesspool credit, assessment deferrals for large lot owners and a prepayment period

March 4, 1992

to allow property owners facing future sewer assessments to lock in their rates. The financing mechanism for the project has been changed from a local improvement financing mechanism to a capital improvement mechanism. She said the loan assistance program to cover private plumbing will be implemented but is not included in today's ordinance as it does not require Code changes. Changes in State statutes will be sought through the Legislature to extend the State income tax credit to \$1,000 and to establish a refunding program for those who do not qualify for the tax credit. Finally, the ordinance calls for elimination of interest accrual for safety net customers and retroactive assistance for those who have already paid for their sewers.

Ms. Nolan also reviewed the amendments being requested to make technical changes that clarify Council's intent.

Commissioner Blumenauer moved the amendments as submitted in a memo dated March 4. Commissioner Kafoury seconded and the motion carried. (Y-5)

David Pietka, Mid-County Cost Alternatives Task Force Co-Chair, said if property owners want to benefit from a City service, they should agree to be annexed. He said City residents should not be asked to provide financial assistance to non-residents. He said this is a good ordinance and believes it is right on target.

Dennis Ritchie, Mill Park Neighborhood Association, said many neighborhood associations are split on this ordinance because all their residents are not within the City. He said, as he understands it, unincorporated residents do not pay franchise fees or combined CSO charges. He said they will get a real deal in the long run if they do not come into the City and said he believes if they are not contributing to the problems in the City, they should not get some of the breaks the rest do. He said he also hoped Council remained committed to the equity study.

Commissioner Kafoury said she understood that non-residents would pay CSO charges as part of their rates.

Commissioner Blumenauer said one area the equity study will examine is how the CSO costs should be apportioned. He said he is totally committed to the equity committee, which will be formed this fiscal year and complete its work before the City goes to the DEQ next year.

Individuals speaking in support of the ordinance and of confining financial assistance to City residents and those who consent to annexation included:

March 4, 1992

Ed Washington, 5242 NE 41st Ave., Task Force member
Mavis Holt, Mill Park Neighborhood
Scott Thomas, 204 NE 134th Place
Ruth Bosshardt, 4413 NE 28th Ave.
Eunice Genduil, 10346 SE Ellis
Simon Stanich, 5437 NE Jessup
James Ross, 5834 SE Tenino
Marcus Ross, 5834 SE Tenino
Gordon Hunter, 5260 NE 74th

Supporters thanked Council and City staff for its work in putting this program together. They said it is only fair to request that those who take advantage of the financial assistance offered by the City should consent to annexation.

Peter M. Smith, 13230 NE Sacramento Dr., said this ordinance, developed under the framework set out in Resolution No. 34957, does not fully follow that framework in computing assessable area. He said an amendment to that resolution was introduced and adopted without comment which radically changed the method of computing assessable area. He said this ordinance does not follow that policy but instead relies on the old policy.

Marguerite Reilly, 6105 NE 46th, speaking for Portland Organizing Project, said people with larger lots will still be paying more than is affordable and requested that interest and the loan origination fee be eliminated on the large lot deferral, or at least for those who sign up early. She said POP also requests that home owners be allowed to grieve to Council if they not satisfied with the Auditor's decision regarding large lot deferral waivers. Finally, POP supports an aggressive marketing and information program on annexation and suggests appointing an independent team to approach residents in the affected areas.

Arlene Palshikar, 6414 SE Flavel, called for an independent audit, continued pursuit of outside funding, adjustments for CSO costs and efforts to educate the public on clean water problems. She also said many equity issues are still unresolved.

Commissioner Blumenauer asked for an explanation of Mr. Smith's question about assessable area.

Dan Vizzini, Assessments Manager, Auditor's Office, said Mr. Smith's question relates to the Resolution 34957 passed February 6 which listed a number of sewer projects which are being converted from local improvement districts to capital improvement projects. The following week, Resolution 34958 was passed, correcting this list. He said nothing in either resolution changes the way costs are apportioned or assessment practices, adding that this ordinance also keeps them in place.

March 4, 1992

Commissioner Blumenauer assured Council that they will proceed with the equity study which will be brought back for public review before adoption.

Council members expressed their thanks to Commissioner Blumenauer and the Office of Fiscal Administration.

Disposition: Passed to Second Reading as amended March 11, 1992 at 2:00 p.m.

At 2:55 p.m. Council recessed.

March 5, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF MARCH, 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; Linda Meng, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- 434 TIME CERTAIN: 2:00 PM** - Substitute a new Title 16 of the Portland City Code, Traffic and Parking, for the current Title 16, Vehicles and Traffic (Ordinance introduced by Commissioner Blumenauer)

Disposition: Commissioner Blumenauer said the goal of this rewrite is to get rid of some of the arcane language in the current Code and make it clearer and easier to understand.

Linda Dartsch, Assistant City Traffic Engineer, said this will give them more administrative flexibility and bring City Code into conformance with State statutes and uniform with other local jurisdictions.

Ted Leybold, Project Manager, explained the process and the involvement of the Citizens Work Group. He said the only point where the Citizens Group and the Bureau differ is regarding the boundary of the Metropolitan Traffic District where the separation of bikes from pedestrians is mandated and roller skates and skateboards are banned. The Citizens Group recommended that the Metropolitan Traffic District boundary be expanded to encompass the entire Central City District, but the Bureau believes the separation should apply to a smaller area, from Jefferson to 13th and from Glisan to Front. He said the Bureau believes that these regulations should apply only in areas of the highest pedestrian density and that bicyclists should be able to use sidewalks in the larger Central City area where traffic speeds are faster and there are fewer pedestrians.

Ron Correnti, Citizen Work Group member, said this rewrite is practical and flexible enough to allow the City to address exceptions. He said some issues, such as commercial traffic lanes, were not addressed.

Lee Lacey, Citizen Work Group member, said the City should be proud of this rewrite. He said they still have some questions regarding the use of sidewalks by those other than pedestrians but believe this is a good compromise.

Jim Mark, Citizen Work Group member, said this is a good compromise.

Dean Ivey, Central Eastside Industrial Council, said it is refreshing to

March 5, 1992

have a proactive bureau. He said they very much support clarification on angled parking permits and the parking permit system.

Stephen Chasteen, 534 SW 3rd, Suite #120, current Chair of Messenger Service Association of Oregon, said solutions were found to the concerns they raised, mainly with truck loading zones and bike regulations in downtown Portland.

Marc Abram, 1314 NW Irving, #513, said in-line skates are a viable means of alternative transportation and should be distinguished from roller skates and skateboards. He said in-line skaters should be given the same consideration as bicylists and asked that the Code be amended to add "in-line skaters" everywhere bicylists are named.

Kent Howes, 7646 SW Stephens, agreed that skaters should be treated the same as cyclists.

Bill McDonald, 901 SW Oak, Messenger Service of Portland, supported the new Code changes and said this is a good example of citizen involvement and excellent staff work.

Kenneth Curry, a resident of Vancouver, asked that current registered vehicle owners be mailed notices of traffic violations and also of towing actions. He said contested hearings should be allowed as owners are currently being denied due process.

Commissioner Blumenauer said the Bureau will be meeting with inline skaters. He moved the amendment that was distributed earlier regarding parking in loading zones. Commissioner Kafoury seconded and the motion carried.

Disposition: Passed to Second Reading as amended March 11, 1992 at 2:00 p.m.

Commissioner Gretchen Kafoury

- 435** Appeal of Charles W. Lawrence, applicant, against Hearings Officer's decision to deny application for a comprehensive plan map amendment and a zone change in order to construct a building for an auto repair business at 4411 SE Belmont (Previous Agenda 287)

Discussion: Commissioner Kafoury said because of the unusual circumstances, mediation was attempted in this case.

Tom McGuire, Planning staff, said three mediation meetings were held but no agreement has been reached between the two parties, Mr. Lawrence and the Sunnyside Neighborhood Association, regarding a specific zone for this site. He said Council had three options: 1) uphold the Hearings

March 5, 1992

Officer's decision denying the zone change; 2) overturn the Hearings Officer's decision and grant the EG1 zoning, or 3) approve one of the other commercial zones which have been discussed.

Charles Lawrence, applicant, read a letter from Planning Consultant Spencer Vail, reviewing the case and recommending a CS (Commercial Storefront) zone designation, with any change being conditioned by the agreements reached in mediation. The letter also stated that it would be a waste of time to go through the application process again.

Katherine Anderson, Sunnyside Neighborhood, said the Sunnyside Board recommends a CM (Mixed Commercial) designation for this area. The board believes this compromise will help with the revitalization of Belmont and reinforce existing uses and Comprehensive Plan goals. It also supports housing policies and will compliment existing mixed commercial and residential uses. She said the Board believes it made a significant compromise in moving from the R1 to the CM zone and is disappointed at Mr. Lawrence's failure to compromise from his CS zone request and his unwillingness to make any site design changes.

Commissioner Bogle asked Mr. Lawrence why he had a problem with the CM zone.

Mr. Lawrence said Mr. McGuire recommended against it because it requires an equal amount of square footage for residential and commercial development and this would create a hardship for him at this time.

Mayor Clark said he would prefer to keep it residential, as it is now.

Mr. McGuire said he made no specific recommendation that CM zoning would not be appropriate but simply explained that CM requires housing at a ratio of one square foot commercial to one square foot residential while CS zoning allows housing. He said given the choice between the two zones, the Planning Bureau would support CM because of the housing requirement.

Commissioner Kafoury moved to change the zoning to CM as recommended by the Sunnyside Neighborhood Association. Commissioner Bogle seconded and the motion carried.

Mayor Clark said he would have preferred to leave it residential but will vote aye because the Neighborhood Association has made a great attempt to find a compromise.

Disposition: Tentatively approve zone change to (CM) Mixed Commercial. (Y-5) Prepare findings for March 18, 1992 at 2:00 p.m.

Commissioner Bogle moved the Four Fifths Agenda.

March 5, 1992

FOUR FIFTHS AGENDA

- *436** Amend the Business License Law apportionment sections as recommended by the Business License Review Committee (Ordinance introduced by Commissioner Bogle; amend Code Chapter 7.08)

Discussion: Dennis Nelson, License Bureau Manager, said this Code amendment will return the Business License Code language relating to apportionment of income to what was in existence prior to April, 1991. This change corrects an action the Bureau recommended at that time which is having a far greater impact on businesses than had been anticipated. He apologized to the business community for the disruption it has caused.

Stephen Schlessor, 2501 N. Columbia Boulevard, said returning to the old law is going back to an enormous amount of grey area, particularly regarding the apportionment statutes. He said the Task Force made the law clearer and upset a number of businesses who found they would have to pay a lot more and could no longer use a variety of ruses to avoid payment. He said the City should not go back to the old law which depends on staff to figure out how it should be interpreted. He suggested doing away with it entirely or coming up with something different.

Mayor Clark said he wanted to look into it further.


Commissioner Lindberg said he did not think we were going back to the old law permanently.

Mr. Nelson said the Task Force is recommending that we go into an administrative rule process that will take away the guessing game. He said this was one of the thorniest issues the Task Force faced.

Disposition: Ordinance No. 165168. (Y-5)

At 3:23 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council