



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF
PORTLAND, OREGON WAS HELD THIS 7TH DAY OF FEBRUARY, 1990
AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Mary L. Howard, Clerk of the
Council; Harry Auerbach, Deputy City Attorney; and
Officer David Cook, Sergeant at Arms.

- 194 **TIME CERTAIN: 9:30 AM** - Certify sufficiency of
signatures on initiative petition to restore name of
Union Avenue and file initiated measure with Council for
30 days consideration (Previous Agenda 185)

Discussion: Jeff Rogers, City Attorney, said many
legal arguments surround this issue and Council has
three options: 1) act by motion to receive the report
and take no further action and the Auditor will file the
initiative with Multnomah County to be placed on the
ballot; 2) continue the item to allow time for the
Auditor to prepare a resolution to keep the item off the
ballot; or 3) continue the item and prepare a resolution
changing the name back to Union Avenue.

Commissioner Koch said he originally voted for the name
change to empower the people and left the rest of the
community behind in the enthusiasm of changing the
name. He stated that it would not serve the interest of
the community to keep this item from going on the
ballot. He moved to receive the report and forward to
the Auditor to be placed on the ballot. On second by
Commissioner Blumenauer, Council discussed the motion.

Commissioner Blumenauer said this issue is very
emotional and the best way to balance it and make it
less complicated is to take it to the voters.

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Commissioner Bogle said Council was right in recognizing Dr. King's accomplishments and renaming a street. He stated that the initiative process has worked and he will do everything in his power to convince the people that Martin Luther King, Jr. Blvd means more to our future than Union Avenue means to our past.

Commissioner Lindberg said he fully intends to vote for putting this measure on the ballot but he will also oppose its passage. He stated that for some people this is a vote against the City Council and for too many others it's really about the legacy of racism in our nation.

Mayor Clark said he hopes that people will become better educated about Dr. King.

The motion carried. (Y-5)

Disposition: Adopted. Referred to City Auditor to be placed on ballot.

CONSENT AGENDA - NO DISCUSSION

Agenda Nos. 201 and 202 were pulled from Consent. On a Y-4 (Blumenauer absent) roll call, the balance of the Consent Agenda was adopted as follows:

- 195 Request from Oregon Association of Railway Passengers to address Council regarding engineering contract for track work at Union Station (Communication)

Disposition: Referred to Commissioner of Finance and Administration.

- 196 Return Purchase Report to Council and recommend it be amended (Purchasing Report - Bid 36-A)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- * 197 Pay claim of James Stratton (Ordinance)

Disposition: Ordinance No. 162734. (Y-4, Blumenauer absent)

- * 198 Lease agreement with Central City Concern for office space for the Old Town Detail of the Bureau of Police for \$1 per year for five years (Ordinance)

Disposition: Ordinance No. 162735. (Y-4, Blumenauer absent)

Commissioner Earl Blumenauer

- * 199 Accept a Public Walkway and Utility Easement, in connection with the compost facility being constructed at NE Columbia Boulevard east of NE 52nd Avenue, granted by Riedel Oregon Compost Company (Ordinance)

Disposition: Ordinance No. 162736. (Y-4, Blumenauer absent)

- * 200 Accept a Street Deed for the NE Airport Way west of NE 122nd Avenue Street Improvement Project, granted by William J. Welch, Karin Widing, and Norris N. Heinbuch, Personal Representatives of the Estate of Glenn A. Widing, at no cost to the City (Ordinance)

Disposition: Ordinance No. 162737. (Y-4, Blumenauer absent)

Commissioner Dick Bogle

- * 201 Call for bids to furnish an Air Unit Vehicle Chassis for the Bureau of Fire, Rescue and Emergency Services and authorize a contract (Ordinance)

Disposition: Placed on file; no further consideration.

- * 202 Authorize an agreement for professional services between the City of Portland and the State of Oregon Health Sciences University for baseline physicals (Ordinance; waive City Code 5.68)

Discussion: Commissioner Bogle said these physicals will help protect Fire Fighters and Police Officers.

Disposition: Ordinance No. 162745. (Y-4, Blumenauer absent)

- * 203 Adopt 1988 Edition of the Uniform Fire Code (Ordinance; amending Title 31)

Disposition: Ordinance No. 162738. (Y-4, Blumenauer absent)

Commissioner Bob Koch

- * 204 Enter into a lease with the State of Oregon, Department of Transportation, for space known as Stanton Yard in Proebstel's Addition, near NE Kerby Street (Ordinance)

Disposition: Ordinance No. 162739. (Y-4, Blumenauer absent)

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- * 205 Consent to temporary sublease agreement for property in Morrison Park East (Ordinance)

Disposition: Ordinance No. 162740. (Y-4, Blumenauer absent)

Commissioner Mike Lindberg

- * 206 Consent to assignment to Robert A. Sonnes of lessee's interest in lease of park property known as Willamette Moorage (Ordinance; Agreement 21004)

Disposition: Ordinance No. 162741. (Y-4, Blumenauer absent)

- * 207 Authorize an agreement with John Palmer House to operate a horsedrawn carriage concession at Tom McCall Waterfront Park from January 1, 1990 thru December 31, 1990 (Ordinance)

Disposition: Ordinance No. 162742. (Y-4, Blumenauer absent)

City Auditor Barbara Clark

- 208 Assess SE Henry Street and SE Henry Place HCD Improvement Project and construction of storm drainage sumps (Second Reading Agenda 169)

Disposition: Ordinance No. 162743. (Y-4, Blumenauer absent)

- * 209 Increase systems development charge (Ordinance; Amend 160988 and 161784)

Disposition: Ordinance No. 162744. (Y-4, Blumenauer absent)

REGULAR AGENDA

- 210 Vacate NW Upshur Street west of NW 20th Avenue, under certain conditions (Ordinance by Order of Council; C-9716)

Disposition: Passed to second reading.

Mayor J. E. Bud Clark

- 211 Confirm reappointments of Kao Chin, Maria Tenorio, Nathan Cogan, Samuel Pierce, Alex Stone, and Jaime Lim to the Metropolitan Human Relations Commission (Report)

Disposition: Confirmed.

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- 212 Issue Sewer System Revenue Bonds Series 1990, in the amount of not more than \$59,250,000 (Second Reading Agenda 177)

Disposition: Ordinance No. 162746. (Y-4, Blumenauer absent)

- 213 Transmit annexation case A-33-89 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Discussion: Commissioner Bogle said he would like a map to look at the areas to be annexed.

Disposition: Adopted. (Y-3, Blumenauer and Lindberg absent)

- 214 Authorize and direct the filing of annexation case A-33-89 in the South Wilkes area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34671. (Y-3, Lindberg and Blumenauer absent)

- 215 Transmit annexation case A-35-89 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Discussion: John Bonn, Office of Finance and Administration, distributed a map showing the annexations to be considered today.

Frank Cleys, 1307 SE 130th, said the original proposal was changed to meet the qualifications necessary to annex.

Commissioner Koch said the map indicates that some people were islanded to be included in the annex.

John Bonn said they are islanding to leave out the people who don't want to be annexed.

Commissioner Koch said islanding property in order to get enough consent to annex the whole area defeats the intent of annexing.

Francis Hyson, 16507 SE Mill Street, said islanding is not right because it brings people in against their will.

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Susan Daluddung, Urban Services Manager, said double majority intent maps are to notify the area that we intend to annex and not to preset the boundaries. She stated that because the city provides many of the services already, it is important to have jurisdiction of the streets necessary to provide those services. She said they are adding consenting property owners as they sign and those who do not want to sign are dropped out of the area.

Commissioner Koch said islanding just to get a satisfactory number of people causes problems.

Susan Daluddung said it is possible that Council will have to decide in the future to take areas that are not consenting but she is not asking Council to do that at this time.

Commissioner Koch said until he is satisfied that this island issue is not a strategy to get the votes necessary, he is going to vote no on those island issues.

Disposition: Adopted. (Y-3, N-Koch, Bluemaner absent)

- 216 Authorize and direct the filing of annexation case A-35-89 in the East Hazelwood area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34672. (Y-3, N-Koch, Bluemaner absent)

- 217 Transmit annexation case A-36-89 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3, N-Koch, Bluemaner absent)

- 218 Authorize and direct the filing of annexation case A-36-89 in the Loma Acres area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34673. (Y-3, N-Koch, Bluemaner absent)

- 219 Transmit annexation case A-38-89 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3, N-Koch, Bluemaner absent)

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- 220 Authorize and direct the filing of annexation case A-38-89 in the Lincoln Park area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34674. (Y-3, N-Koch, Bluemaner absent)

- 221 Transmit annexation case A-2-90 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3, N-Koch, Bluemaner absent)

- 222 Authorize and direct the filing of annexation of case A-2-90 in the West Glendoveer area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34675. (Y-3, N-Koch, Bluemaner absent)

- 223 Transmit annexation case A-3-90 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3, N-Koch, Bluemaner absent)

- 224 Authorize and direct the filing of annexation case A-3-90 in the East Hazelwood area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34676. (Y-3, N-Koch, Bluemaner absent)

- 225 Transmit annexation case A-4-90 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted. (Y-3, N-Koch, Blumenauer absent)

- 226 Authorize and direct the filing of annexation case A-4-90 in the East Hazelwood area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34677. (Y-3, N-Koch, Bluemaner absent)

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- 227 Transmit annexation case A-5-90 to the Portland Metropolitan Area Local Government Boundary Commission (Report)

Discussion: Commissioner Koch said this is not an islanding issue.

Disposition: Adopted. (Y-4, Blumenauer absent)

- 228 Authorize and direct the filing of annexation case A-5-90 in the Lincoln Park area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Disposition: Resolution No. 34678. (Y-4, Blumenauer absent)

Commissioner Earl Blumenauer

- 229 Initiate proceedings for the vacation of NE 10th Avenue, south of Columbia River Highway (I-84), setting the date of hearing at 9:30 AM on Wednesday, March 14, 1990 (Resolution)

Disposition: Resolution No. 34679. (Y-4, Blumenauer absent)

- * 230 Call for bids for street reconstruction and overlay maintenance work, NE Martin Luther King Jr. Blvd, from south of NE Glisan St. to NE Multnomah St., authorize a contract, and provide for payment (Ordinance)

Disposition: Continued to February 14, 1990.

- * 231 Amend contract with Kramer, Chin and Mayo, Inc. to provide funds for Project Management, Design and Construction Services for Ankeny Pump Station, transfer funds, and provide for payment (Ordinance; Contract 25203)

Disposition: Ordinance No. 162747. (Y-4, Blumenauer absent)

Commissioner Mike Lindberg

- 232 Create a Peace Dividend Task Force to generate input as to priorities for federal reinvestment in local government services (Previous Agenda 145)

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Discussion: Commissioner Lindberg said a substitution was filed to add names to the committee suggested by Mayor Clark and Commissioner Koch and to give authority for appointing members to the Commissioner of Public Affairs and the Multnomah County Chair of Commissioners.

Commissioner Lindberg moved substitution. On second by Commissioner Bogle, the motion carried. (Y-4, Blumenauer absent)

Disposition: Resolution No. 34680. (Y-4, Blumenauer absent)

- * 233 Issue a revocable permit for Pacific Northwest Bell Telephone Company, dba US West Communications to install, maintain and operate public telephones on City property and City streets (Ordinance)

Disposition: Ordinance No. 162748. (Y-4, Blumenauer absent)

City Auditor Barbara Clark

- * 234 Agreement with Multnomah County on foreclosure sales to collect delinquent liens (Ordinance)

Disposition: Ordinance No. 162749. (Y-4, Blumenauer absent)

At 10:45 a.m., Council recessed until 2:00 p.m.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF FEBRUARY, 1990 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Mary L. Howard, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer David Cook, Sergeant at Arms.

- 235 **TIME CERTAIN:** 2:00 PM - Appeal of Ike Bay against hearings officer's decision to deny a conditional use in order to excavate the hillside at 2425 NW St. Helens Road (Previous Agenda 187)

Discussion: Commissioner Blumenauer said wanted to add a condition that the geotechnical advisory committee for the Bureau of Buildings has to approve all grading proposals for the site prior to any excavation. He moved to tentatively grant the appeal with the above condition. On second by Commissioner Koch, Council discussed the motion.

Commissioner Blumenauer said regardless of the outcome of the appeal, he would present a proposal for Council to examine the zoning in that area.

Mayor Clark said he listened to the entire tape and reviewed the written material. He stated that the city's land use planning wants to insure businesses their rights of using designated areas but first assure residents of the livability of their neighborhoods and the continuity of that livability in the future.

The motion failed. (Y-2, N-Bogle, Lindberg, and Clark) look at zoning

Disposition: Appeal denied, tentatively. Prepare findings for March 8, 1990.

- 236 Appeal of Nauru Phosphate Royalties, applicant, against Conditions A, B, M and N imposed in approving conditional use and subdivision at NW Miller Road and NW Cornell Road (Hearing; Previous Agenda 188)

Discussion: Miriam Hecht, Bureau of Planning, gave the staff report with a slide presentation.

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Steven Janik, representing the appellant, said the preliminary plan was approved in 1982 and the hearings officer has no authority to withhold approval on Phase 4 until conditions on the previous phases are met. He stated that the market doesn't demand the medium density requested by the hearings officer and they can't hold off on building until the market changes. He urged Council to delete conditions A & B. He said conditions M & N have been worked out with staff.

Dick Cantlin, representing appellant, said an application has been submitted for the first of the medium density parcels.

Molly O'Reilly, Forest Park Neighborhood Association, said after the final phase is approved City Council doesn't have control over the density. She stated that they support the hearings officer's decision and findings because the market is hot for all types of housing including medium density. She urged Council to deny the appeal and uphold the conditions.

Gail Parker, 2682 NW Cornell Road, said they should not be allowed to build until the previous conditions have been met and a commitment to public transportation is in place. She urged Council to consider the long term transportation implications of their decision today.

Donna Martinson, 10875 NW Rainmont Road, said the hearings officer decided that Rainmont would not be used as an exit but only for emergency access. She said the maps are unclear and urged Council to make it clear that Rainmont is absolutely closed.

Chris Wrench, 3103 NW Wilson, said the high scale housing does not encourage transit services. He urged Council to modify the transit requirement so they must continue providing bus service for a year.

Commissioner Blumenauer said he is inclined to support the hearings officer's decision but would like time to think through the implications of this decision and to review the record of the 1982 preliminary approval.

Mayor Clark said he intends to support the appeal.

Commissioner Lindberg said he wants to go back and look at the original documents before he votes.

Steve Janik said he is willing to extend the 120 days but feels comfortable with Council doing additional research.

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Kathryn Imperati said the record would remain open and written statements may be submitted by both sides before the vote next week.

Disposition: Continued to February 14, 1990 at 9:30 am Time Certain.

REGULAR AGENDA

- 237 Appeal of Terry A. Cone, applicant, against decision of the Variance Committee to deny application for variances in order to legalize a parking area at 49 SE 60th (Hearing; VZ 167-89)

Discussion: Cathey Briggs, Bureau of Planning, gave the staff report with a slide presentation.

Terry Cone, appellant, said he talked to everyone that would have to approve the apartment complex and there was no mention of a five foot landscape strip. He said he did not intentionally violate the Code.

Bill Wald, 1826 SE Harold, said the hedge will grow in time to at least five feet.

Raymond Heffelfinger, 5218 NE Glisan, stated his support for the appeal.

Commissioner Blumenauer said he would support the decision of the variance committee and read a letter from Greg Kaufman, Planning Bureau, stating that when the application was filed Mr. Cone was informed that it did not comply with the City Code and the site plan was modified in his presence to provide the required landscape buffer.

Commissioner Bogle said he accepts that it was not a deliberate attempt to evade rules.

Mayor Clark said this was an innocent mistake.

Disposition: Tie Vote. (Y-2, N-Blumenauer and Lindberg) Continued to February 8, 1990.

- 238 Application for East Portland Historic District Designation (Hearing; Report)

Disposition: Continued to March 15, 1990, 2:00 pm.

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- 239 Deny appeal of Ashcreek Neighborhood Association and grant zone change and 38-lot subdivision located between SW 62nd and 65th, south of Garden Home (Findings; 7941/S 27-89)

Disposition: Findings adopted. (Y-4, Bogle absent)

At 4:35 p.m., Council recessed until 2:00 p.m. February 8, 1990.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF FEBRUARY, 1990 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Mary L. Howard, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Officer David Cook, Sergeant at Arms.

- 240 TIME CERTAIN: 2:00 PM - Accept Bureau of Traffic Management's report of recommendations for management of downtown parking inventory through identification of certain removals (Report)

Discussion: Elsa Coleman, Parking Manager, gave the staff report.

Terry Parker, National Railway Historical Association and Union Station, said the organization fully supports the transit mall extension but is concerned about adequate parking for Union Station. He stated that the eight spaces that now exist on the north side of Irving Street should not be included in the 156 spaces to be removed.

Elsa Coleman said she will provide him with a plan of the layout of the exact removals.

Bill Dickey, Downtown Retail Council, stated his support and congratulations for the plan.

Disposition: Adopted. (Y-5)

CONTINUED FROM FEBRUARY 7, 1990, 2:00 P.M.

REGULAR AGENDA

- 237 Appeal of Terry A. Cone, applicant, against decision of the Variance Committee to deny application for variances in order to legalize a parking area at 49 SE 60th (Hearing; VZ 167-89)

Discussion: Commissioner Koch said he did not have enough time to review the record.

Disposition: Continued to February 14, 1990, 9:30 a.m.

At 2:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Mary L. Howard

By Mary L. Howard
Clerk of the Council

