



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF JULY, 1990 AT 9:30 A.M.

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

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

Agenda Nos. 1213 and 1215 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1206 Cash and Investment Balances for June 07, 1990 through June 30, 1990 (Report; Treasurer)

Disposition: Adopted.

Mayor J. E. Bud Clark

* 1207 Authorize conveyance of certain Released Parking land to Norcrest China Company (Ordinance)

Disposition: Ordinance No. 163240. (Y-5)

* 1208 Create two positions and establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 163241. (Y-5)

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Commissioner Earl Blumenauer

1209 Accept completion of the SW Main Street and SW Salmon Street Twin Ornamental Street Lighting Project; approve Change Orders 1 and 2; and make final payment of \$14,845.05 to McCoy Electric Co., Inc. (Report; Contract No. 25573)

Disposition: Adopted.

* 1210 Call for bids for the Alameda Park Phase II Sewer Replacement Project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163242. (Y-5)

1211 Grant a ten-year property tax exemption to Cornerstone Columbia Development Company, for new multiple-unit housing at SW Montgomery Circle and the future SW River Drive (Second Reading Agenda 1194)

Disposition: Ordinance No. 163243. (Y-5)

1212 Vacate portions of N Cook Street and N Montana Avenue, under certain conditions (Second Reading Agenda 1174)

Disposition: Ordinance No. 163244. (Y-5)

* 1214 Accept a street deed for the future widening of NW Summit Avenue, granted by Jonathan D. Luft and Sandie Shimp Luft, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163245. (Y-5)

Commissioner Dick Bogle

* 1216 Allow the periodic temporary rehire of June Beck at top Word Processing II Operator Classification pay rate (Ordinance; waives City Code 4.08.050)

Disposition: Ordinance No. 163246. (Y-5)

* 1217 Authorize a contract with Level II, Inc. to upgrade the current computer aided dispatch system for the Bureau of Emergency Communications at a cost not to exceed \$166,000 and waive Section 5.68 of the City Code. (Ordinance)

Disposition: Ordinance No. 163247. (Y-5)

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Commissioner Mike Lindberg

1218 Accept contract with Bingham-Willamette Company for supplying pump-turbine units to the Groundwater Pump Station as complete and authorize final payment of \$14,648.79 and immediate release of retainage in the amount of \$79,620.83 (Report; Contract 20128)

Disposition: Adopted.

* 1219 Authorize an agreement with the Association for Portland Progress to manage Tom McCall Waterfront Park parking lots (Ordinance)

Disposition: Ordinance No. 163248. (Y-5)

* 1220 Authorize the Superintendent of Parks and Recreation to appoint J. Riley Whitcomb at the fourth step of the Landscape Architect (3134) salary scale, with the appointment retroactive to July 2, 1990 (Ordinance)

Disposition: Ordinance No. 163249. (Y-5)

* 1221 Authorize an agreement with CH2M-Hill Northwest, Inc., for \$49,900 for engineering services for the Water System Demand Study; transfer funds, and provide for payment (Ordinance)

Disposition: Ordinance No. 163250. (Y-5)

REGULAR AGENDA

* 1213 Authorize execution of a revised agreement between the City and the Taulman Company (Ordinance)

Discussion: Mary Nolan, Director of Environmental Services, said BES enthusiastically supports the reuse and recycling of sewer sludge and hopes to focus on increased public awareness and education efforts. She said they have an aggressive pretreatment program to keep contaminants out of the sludge or at least within acceptable limits.

Ms. Nolan said the amount of information on constituents in the waste stream is growing exponentially and that recycling education programs need to be broadened to include this information on sewage sludge recycling and increase public awareness and involvement.

Ms. Nolan said this ordinance authorizes replacement of the existing marketing agreement for our compost product with a new contract which has added benefits for the City.

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The second ordinance (Agenda Item 1215) authorizes a fairly significant increase in laboratory testing to allow the City to stay ahead of emerging issues and provide assurance that our system operates in a safe manner from start to finish.

Commissioner Koch asked about shortening the length of the contract and if this contract did not take the Taulman Company off the hook in marketing the sludge and put the City into the position of being a private entrepreneur.

Ms. Nolan said it is not the intention of the City to open up a marketing office. She said the City's principal objective in seeking contract revisions was to gain additional flexibility in the sludge disposal program and in order to do this the City had to give up the extended term of the current contract. She said producing sludge is expensive and the new contract gives us a lot more control about how sludge is disposed and will also allow the City to control what public communication about it takes place.

Commissioner Blumenauer said the contract with Taulman recognizes and balances the changed competitive and regulative environments and new market considerations in a way satisfactory to all. He said the twenty-year contract with Taulman was not an ironclad guarantee and if it was to its advantage, the Company could get out of it.

In response to a question from Commissioner Koch, Ms. Nolan said she believes this will provide the best financial as well as environmental return to the ratepayer.

Disposition: Ordinance No. 163251. (Y-5)

- * 1215 Amend contract for consulting services with CH2M Hill Northwest, Inc., to continue monitoring the chemical composition of wastewater sludge, transfer funds, and provide for payment (Ordinance; Contract No. 25425)

Disposition: Ordinance No. 163252. (Y-5)

Mayor J. E. Bud Clark

- * 1222 Authorize the Mayor to apply for Special Public Works Funds from the Oregon Economic Development Commission (Ordinance)

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Discussion: Commissioner Blumenauer requested a setover to Thursday, July 12 at 2:00 p.m. to allow for additional exploration of a proposal that dovetails with what OMSI is doing. The Mayor so ordered.

Disposition: Continued to July 12, 1990 at 2:00 p.m.

Commissioner Earl Blumenauer

1223 Provide for time and manner of improving as a district: streets within the SE Schiller/92nd District HCD Improvement Project, and construction of sumps (Hearing; Ordinance; C-9652)

Discussion: The Mayor asked if there was anyone to be heard. No one came forward.

Disposition: Passed to second reading.

* 1224 Amend Ordinance Nos. 157969, 158285, 158286, 159322, 159688, 159689, 159942, 159943, 159944, 159945, and 159946, designating Mary Nolan as the new authorized grant representative in relation to the Environmental Protection Agency's Construction Grants Program (Ordinance)

Disposition: Ordinance No. 163253. (Y-5)

Commissioner Lindberg made a motion to suspend the rules to discuss the proposed takeover of Tri-Met by Metro. On a second by Commissioner Bogle, the motion carried. (Y-5)

Commissioner Blumenauer said they just learned that Metro has scheduled a hearing tomorrow night on this matter and wanted to bring it to Council's attention to see if Council wished to take an official position. He said it is his intention to bring a formal proposal to Council on Thursday.

Felicia Trader, Director, Office of Transportation, said Metro had recently named a sub-committee to study the merger and that her office is concerned with its narrow focus on the legal and financial ramifications with little consideration of the benefits to the public. She said there is general confusion about the scope of the committee and that many of the leading constituents and jurisdictions affected by the merger had not been notified.

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Ms. Trader said the Office of Transportation has strong concerns with issues of service delivery and about our relationship with the appropriating body for federal dollars for transit improvements. She said the City has an enormous amount to gain or lose on these matters as many City programs rely on transit programs being in place and on the stability of the transit provider.

Mayor Clark said this serves as public notice that a resolution on this issue will be discussed at the Thursday, July 12 session.

Commissioner Lindberg said it is critical that there be full involvement of all affected parties and said he had suggested to people at Metro the need for a joint meeting with Council to discuss areas of mutual concern.

1205 **TIME CERTAIN: 10:00 AM - Neighborhood Community Policing Awards ceremony**

Rachel Jacky, Office of Neighborhood Associations, introduced recipients of the Neighborhood Community Policing Awards. The awards were presented by neighborhood crime prevention staff members.

Awards were presented to the following officers:

Officer Preston Wong
Sergeant Wally Turay
Lt. Greg Clark
Officer Charles Moose
Capt. Wayne Inman
Officer John Costello
Officer Bob Tilley
Officer Neil Crannel
Officer Dorothy Elmore
Capt. Tom Potter

Mayor Clark said Community Policing looks like it is developing into a family situation and he is very pleased to see it.

At 10:32 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF JULY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Koch, 4.

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

1225 **TIME CERTAIN:** 2:00 PM - Appeal of Block Brothers Industries, applicant, against decision of the Hearings Officer to deny the request to eliminate 16 multi-family dwelling units and replat as single family in an area located at SE 140th Drive and 141st, north of SE Clatsop (Hearing; CU 7-90/S 10-90)

Discussion: Steve Gerber, Planning Bureau, reviewed the request by Block Brothers to increase the size of single-family lots thereby reducing by a small number the total single-family lots in the development and to eliminate four four-unit multi-family lots and turn those into single-family lots. He said the Hearings Officer agreed to decrease the number of single-family homes but denied elimination of the multi-family lots because of loss of housing density and diversity.

Mr. Gerber said the appellant claims the lots are not adequate for multi-units and that Comprehensive Plan Goals do not apply to the review of individual land use decisions such as this but rather are meant to guide future planning efforts. He noted a memo written by City Attorney Kathryn Imperati concurring with appellant.

Mr. Gerber said if housing diversity is no longer applicable the issue then comes down to applying a minimum density. The Planning Commission intercepted this appeal and determined that while diversity should not be a part of individual appeals minimum densities should be applied citywide and recommended that Council consider the minimum density in this case. Mr. Gerber said Planning staff does not believe the suit provides insurmountable building difficulties for multi-family dwellings.

Commissioner Blumenauer asked the City Attorney to elaborate on whether a denial of the appeal would likely be reversed by LUBA.

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Pete Kasting, Chief Deputy City Attorney, said LUBA is becoming increasingly strict in its review of Comprehensive Plan policies and whether they can be applied as approval criteria. He said the issue the Planning Commission raised was a minimum density issue but that it did not issue a specific recommendation as to what a minimum density should be.

Mr. Kasting said Ms. Imperati's memo simplifies the case since the Hearings Officer made her decision based on conflicts with Comprehensive Plan goals but Ms. Imperati found these are not an issue as they are not approval criteria.

Mayor Clark queried Linda Bauer, representing the Pleasant Valley Neighborhood Association, who said they supported the appeal.

Commissioner Blumenauer moved to tentatively approve the appeal and overturn the Hearings Officer's decision. Commissioner Bogle seconded the motion.

Disposition: Appeal granted tentatively. (Y-4)
Appellant's attorney prepare findings.

REGULAR AGENDA

1226 Appeal of William and Jean Morse, applicants, against the Variance Committee's decision to deny variances to increase the height of a fence at 1617 NE Brazee (Hearing; VZ 15-90)

Discussion: Cathey Briggs, Planning Bureau, said this appeal is the result of a zoning code enforcement action and that applicants seek to legalize an existing five foot fence along NE Brazee and NE 16th. She reviewed the Variance Committee's reasons for denial, including a finding that there was no property hardship and that there was ample room to build a six foot or higher fence outside the required yard setback. The Committee also found that crime is not a property hardship, that the cyclone fence was out of character and that they could not consider the fact that the fence was already built as a justification for approval.

William Morse, applicant, said the principal issue is the top eighteen inches on less than a third of the total fence. He said he believes the three-and-one half fence height requirement contradicts the intent of insuring public safety and that he had built the fence to protect his property from repeated thefts and vandalism. He also said a City enforcement policy based on complaints does not provide equal protection under the law.

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Mr. Morse said the Irvington Neighborhood Association and fourteen neighbors support his request.

Individuals speaking in support of the variance request included:

Richard Levy, 2611 NE 17th
Charles Coyle, 1610 BE Brazee
Michael Klepinger, 2547 NE 16th
Louis Rollandi, 2346 NE 16th
Dorothy Stavely, 2546 NE 16th

Commissioner Koch asked Mr. Morse who installed his fence and the Mayor asked if the company, Miller Fence, had warned him about the height.

Mr. Morse said they put the fence where they did knowingly because it was so unobtrusive.

Commissioner Blumenauer said the fact that he knew in advance that what he did violated City Code and did not apply for a variance beforehand would be the only reason he would vote against the proposal today.

Commissioner Koch said that while he would have supported the variance the fact that the Code was knowingly violated and then Council was expected to approve it makes a mockery of the whole system.

Commissioner Bogle said he agreed with Commissioners Blumenauer and Koch and would vote against the appeal.

Commissioner Blumenauer said he was personally willing to vote for the variance because to deny it would do more damage at this point but the fact that Mr. Morse did it knowingly was the argument against it.

Mayor Clark said he did not think the fence is that attractive and that the argument about crime prevention is fallacious.

Disposition: Appeal denied. (Y-4)

At 2:50 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JULY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Koch, 4.

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

1224A

Object to the Tri-County Metropolitan Transportation District (Tri-Met) merger study by the Metropolitan Service District (Metro) as it is currently proposed as not being responsive to the interests of Portland citizens and taxpayers. (Resolution)

Discussion: Commissioner Blumenauer said this may be an appropriate time for the merger but only if it actually improves the quality of service and saves taxpayer money. He said he wants to make sure the citizens of Portland are represented on any committee studying the merger.

He noted that the Joint Policy Advisory Committee on Transportation (JPACT) had unanimously approved a resolution this morning recommending that if a merger is to be studied, JPACT is the proper body to do so.

Ruth Scott, President Association for Portland Progress, said this move looks more like a takeover than a merger and that thorough consideration needs to be given to the issue.

John Frewing, former Tri-Met Board member and Metro Councilor, said he personally favors the merger but believes JPACT is the proper body to study it because of its broader representation.

Dick Feeney, Intergovernmental Affairs Officer for Tri-Met, supported the resolution and said he is concerned with the process itself and the inadequate notification and involvement of the community and local governments. He said answers are needed in such areas as financial stability and benefits to consumers and employees.

Bill Naito, 5 NW Front, said more time needs to be taken to consider the merger and that it should be undertaken by a more representative group.

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Commissioner Bogle said he thinks Metro has its priorities out of order and that there is a need for input from both the public and public jurisdictions.

Commissioner Koch said he was impressed with the extraordinary job Metro did with the solid waste issue and believes the use of JPACT to do the study is a positive approach.

Disposition: Resolution No. 34752. (Y-4)

- * 1222 Authorize the Mayor to apply for Special Public Works Funds from the Oregon Economic Development Commission (Ordinance)

Discussion: Commissioner Blumenauer said he had hoped to explore another option but realizes the need to go ahead and submit this application.

Disposition: Ordinance No. 163254. (Y-4)

CONSENT AGENDA - NO DISCUSSION

On a Y-4 roll call, the Consent Agenda was adopted as follows:

Commissioner Earl Blumenauer

- * 1227 Grant a revocable permit to Metropolitan Homes for walls in the street at 1431-1433 NW 28th Avenue (Ordinance)

Disposition: Ordinance No. 163255. (Y-4)

- * 1228 Grant a revocable permit to Pioneer Place Limited Partnership for glass canopies and emergency exit doors at 710 SW 5th Avenue (Ordinance)

Disposition: Ordinance No. 163256. (Y-4)

REGULAR AGENDA

Commissioner Dick Bogle

- 1229 Liquor license application for Bashir and Najma Akil, dba Neighbor's Market, 9061 NE Sandy Blvd., Package Store liquor license, new outlet, favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

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1230 Liquor license application for Jeff Parks, dba The Texas Restaurant and Lounge, 3530 N. Vancouver Ave., Dispenser Class A liquor license, new outlet, favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

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

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council