



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF MARCH, 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 Howard Jordan, Sergeant at Arms.

Commissioner Koch introduced representatives from the Portland Beavers organization, the Portland Police Canines Forever group and A.G. Edwards Co who presented donations to the Police Bureau Canine Unit.

Agenda item No. 453 was pulled from Consent. The remainder of the Consent Agenda was adopted on a vote of Y-5).

CONSENT AGENDA - NO DISCUSSION

- 438 Accept bid of Northside Ford Truck Sales Inc. for furnishing a chassis mounted 6-cubic yard garbage packer for \$27,541 (Purchasing Report - Bid 72)

Disposition: Adopted; prepare contract.

- 439 Accept bid of Timberline Dodge Inc. for furnishing seven (7) cargo minivans for \$85,280.44 (Purchasing Report - Bid 73)

Disposition: Adopted; prepare contract.

- 440 Accept bid of Timberline Dodge Inc. for furnishing seven (7) passenger minivans for \$93,255.12 (Purchasing Report - Bid 74)

Disposition: Adopted; prepare contract.

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- 441 Accept bid of Wentworth Chevrolet Co. for furnishing eight (8) extended cab compact pick up trucks for \$79,790 (Purchasing Report - Bid 76)

Disposition: Adopted; prepare contract.

- 442 Accept bid of Northside Ford Truck Sales, Inc. for furnishing three (3) cab and chassis with mounted service body and canopy for \$65,772 (Purchasing Report - Bid 77)

Disposition: Adopted; prepare contract.

- 443 Accept bid of Northside Ford Trucks Sales, Inc. for furnishing two (2) cab and chassis with mounted service body and utility compressor for \$56,222 (Purchasing Report - Bid 78)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 444 Results of Sewer System Revenue Bonds, Series 1990 (Report)

Disposition: Adopted.

- * 445 Amend Contract No. 25815 with Iris Bell to increase by \$500 (Ordinance)

Disposition: Ordinance No. 162840 (Y-5)

- * 446 Accepting a grant from the US Department of Housing and Urban Development for an Emergency Shelter Grant Program under Title IV of the Stewart B. McKinney Homeless Assistance Act of 1987 in the amount of \$188,000 (Ordinance)

Disposition: Ordinance No. 162841. (Y-5)

- * 447 Amend contract with Julie Barber extending time line of professional consulting services (Ordinance, Contract No. 25736)

Disposition: Ordinance No. 162842. (Y-5)

Commissioner Earl Blumenauer

- * 448 Agreement with Oregon Department of Transportation, Highway Division, to provide for the East Burnside Street Traffic Improvements Project from 9th Ave to 82nd Avenue (Ordinance)

Disposition: Ordinance No. 162843. (Y-5)

Commissioner Bob Koch

- * 449 Authorize purchase of additional replacement vehicles on existing City contracts as part of the 1989-90 City Fleet Replacement Plan (Ordinance)

Disposition: Ordinance No. 162844. (Y-5)

- * 450 Call for bids providing replacement of the Energy Management System at the Portland Building, authorize a contract and provide for payments (Ordinance)

Disposition: Ordinance No. 162845. (Y-5)

- * 451 Pay three claims totalling \$75.00: Scott F. Pitton, \$44.00; James T. Kelly, \$25.00; Sam Rosson, \$6.00 (Ordinance)

Disposition: Ordinance No. 162846. (Y-5)

Commissioner Mike Lindberg

- * 452 Authorize and accept an increase to an existing grant from the Trustees of the Fred Meyer Charitable Trust to the Metropolitan Arts Commission (Ordinance)

Disposition: Ordinance No. 162847. (Y-5)

City Auditor Barbara Clark

- * 454 Reduce systems development charge (Ordinance, amend 161238)

Disposition: Ordinance No. 162848. (Y-5)

- * 455 Reduce systems development charge (Ordinance, amend 162351)

Disposition: Ordinance No. 162849. (Y-5)

- 453 Contract with U.S. Geological Survey for streamflow and water quality monitoring at a cost of \$141,060 (Ordinance)

Discussion: Commissioner Koch moved to accept the substitute, Commissioner Bogle seconded. The substitute was adopted (Y-5)

Disposition: Passed to second reading.

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- 436 **TIME CERTAIN:** 9:30 AM Contract with Vintage Trolley, Inc. for Implementation and Operation of the Central City Trolley. (Ordinance - waives 5.68)

Discussion: Commissioner Koch moved the substitution. Commissioner Lindberg seconded and the motion passed (Y-5).

Commissioner Blumenauer said the Central City Trolley will not be merely a novelty but an integral part of how we move people within the core area.

Bill Naito, Vintage Trolley, Inc., said this ordinance will allow them to study the next step, extension of the vintage trolley short line into the Central City area, including both sides of the river, down Macadam and up toward the Northwest area. He said the system will be a great tourist attraction and people-mover, and will also be non-polluting.

Commissioner Blumenauer said this contract will allow a study of feasible routes. He said the Trolley group already has a lot going on including construction of a trolley barn, car reconstruction, and a marketing effort.

Mr. Naito said they will seek business sponsors for equipment as well as activities and said the first phase, between the Lloyd Center and downtown, is scheduled for completion September 1, 1991, though they hope to move the date up to Rose Festival week.

Roger Millar, Transportation Engineering, displayed a chart showing the sweep of each of the potential routes.

Vicki Diede, Central City Project Manager, described various components of the contract including a review of routing plans, implementation and preliminary operations plans, a citizen involvement process, and cost estimates.

Disposition: Ordinance No. 162850. (Y-4, Lindberg absent)

- 437 **TIME CERTAIN:** 10:00 AM Inform Council of the Homeless Veterans Census Office project undertaken by the Veterans for Veterans during Jan. 22 - Feb 9, 1990, results of the needs assessment and the Veterans Resource Center proposal. (Report)

Discussion: Grant Remington, Veterans for Veterans, said this project grew out of concern that the 1990 Census would not adequately identify the number of veterans among the homeless. He said they were overwhelmed by the response from veterans and by community and corporate support. The veterans made this their own project and showed that given the opportunity, they will help themselves.

Ted Stoddard, Veterans for Veterans, reviewed the census results. He said veterans had a high level of distrust for traditional service providers and that many service groups were unequipped to handle special needs of veterans. Lack of adequate shelter and long waiting periods for entry to substance abuse programs were the veterans' major concerns.

Commissioner Koch said the survey showed that 27.5% of the veterans interviewed are camping out.

Ken Rose, President of Veterans for Veterans, said the census showed the need for a Veterans Resource Center.

Commissioner Koch said they would return to Council later to seek concrete support for it.

Disposition: Adopted. Placed on file.

REGULAR AGENDA

- 456 Provide for time and manner of improving as a district; streets within SE Reedway/57th District HCD Improvement Project and construction of sumps (Hearing; Ordinance)

Disposition: Passed to second reading.

Mayor J. E. Bud Clark

- 457 Transmit double majority annexation intent maps to the Portland Metropolitan Area Local Government Boundary Commission. (Report)

Disposition: Adopted.

- 458 Authorizes and directs the filing of double majority annexation intent maps and written descriptions with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Discussion: Commissioner Bogle moved to approve the substitute; Commissioner Lindberg seconded. The motion was approved. (Y-4, Koch absent).

Disposition: Resolution No. 34693. (Y-5)

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- 459 Authorizes submission of FY 1989-90 Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

Disposition: Resolution No. 34694. (Y-5)

Commissioner Bob Koch

- 460 Adopt the Bureau of General Services recommendations for a new 800 mhz public radio system and direct the Bureau to prepare a plan and bid specifications for its purchase and installation (Resolution)

Discussion: Robert L. Jones, member of the Bureau Advisory Committee for the Bureau of General Services, said this proposal will allow the Bureau to begin planning, discuss joint arrangements with other governmental units, and look for financing sources. He said the City also needs to coordinate this system with the communications system authorized by voters last spring so that all will work together.

Sgt. Bob Baxter, Police Bureau on assignment for the last three years to BOEC, said there are currently four operational nets at BOEC two of which regularly exceed saturation to the point where efficiency begins to break down during peak hours. He said dispatchers are having an increasingly difficult time handling the net. He said a new system will make more channels available to the police when they need them.

Commissioner Lindberg asked if a vote for this will address these problems. Commissioner Bogle said we need to educate the public about non-emergency use of 911.

Sgt. Baxter said most of the activity on the nets is officer self-initiated but that if officers cannot get on the air this also becomes an officer safety problem. He said this is a very good time to integrate the CAD system approved by the voters with a radio system.

Roberta Webber, Deputy Chief, supported the need to mesh planning now for CAD 911 car locaters with an 800 mhz system, especially since the system will only be more overloaded when more officers are added. An 800 mhz system will also add a lot more flexibility in working with other jurisdictions and give them access to our nets.

Commissioner Bogle said Capt. Ed Davis has already talked with folks in Clark, Clackamas and Washington counties and there is a good deal of interest in an 800 mhz system with one spine. If that can be developed, the cost of the basic unit can be greatly reduced.

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David Kish said the 800 mhz system would solve crowding problems on police channels and interbureau communications problems. This resolution will enable the Bureau to do studies and bring an RFP back to Council next year after examining financing options including federal and state funding, joint financing with other jurisdictions, or even rental. Passage of the resolution would also put this on the official list of capital projects and reflect official Council support. He said a coordinated planning effort with Commissioner Bogle's office and other jurisdictions now could result in significant economies, possibly up to \$1,000,000.

Tim Grewe, Office of Finance and Administration, outlined the financial options including certificates of participation, a special levy, general obligation bonds, operating leases and pay as you go.

Council members questioned Mr. Grewe about what the resolution committed Council to do in the way of financing.

Mr. Grewe said the resolution doesn't lock Council into any one position but he wanted to make sure members were informed about the consequences of various alternatives, especially regarding use of certificates of participation or any debt that will increase expenditures in the future. He said passage would ensure that this project is on the list of other major capital requirements and is considered for financing in the future.

Council members asked for further clarification and suggested that the language be recrafted to state precisely what we are doing, how it is being tracked and at what point it will come back to Council.

Commissioner Koch suggested, and the Council agreed, that it be held over one week in order to make these changes.

Disposition: Continued to March 28, 1990.

- * 461 Pay partial payment of claim totalling \$175.00 to John C. Herring (Ordinance)

Disposition: Ordinance No. 162851. (Y-5)

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Commissioner Mike Lindberg

- 462 Disapprove proposed Metropolitan Service District code amendments regarding appointments to the Metropolitan Exposition-Recreation Commission (Resolution)

Disposition: Commissioner Lindberg said this resolution reflects our desire to control our own appointments to the E-R Commission. He said the amendments to allow Metro to make appointments if local jurisdictions do not do so within 30 days gives Metro more control over E-R Commission membership, particularly if there is a stalemate or if Metro decides to exercise its veto power. He said he was also alarmed to find that even if the City does not agree with this action, Metro may go ahead and do it anyway.

Commissioner Lindberg said when the Commission was transferred to Metro the City reluctantly agreed to grant Metro veto power over appointments on the understanding that it would only be used in extraordinary situations. Now the veto has been exercised in Washington County causing concern that Metro could end up controlling all the appointments.

Mayor Clark said he was alarmed when he saw what was happening.

Disposition: Resolution No. 34695. (Y-5)

- * 463 Authorize an agreement between the Bureau of Parks and Recreation and John Kyle, Architect for \$209,302 to provide consulting services in the design for the covering and renovation of the Matt Dishman Pool and Community Center (Ordinance)

Disposition: Ordinance No. 162852. (Y-5)

The meeting was recessed at 11:13 a.m.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF MARCH, 1990 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer Howard Jordan, Sergeant at Arms.

464 TIME CERTAIN: 2:00 PM - Appeal of Linnton Neighborhood Association against approval of the application of Glen Gordon for a conditional use and variance with conditions, for an 11-unit PUD Preliminary Plan at 10425 NW St. Helens Road (the Linnton School site) (Hearing; CU 109-89)

Kerry Hampton, Planning Bureau, showed slides of the area and reviewed the Hearings Officers' decision to approve the application.

Dani Wilke, spokesperson for Save Our Streets in Linnton, said they were not adequately notified of the decision and that their major concern was the increased traffic. They are also concerned with loss of public use of the property and object to fencing off the stairs going through the property. She said two previous proposals were turned down because of the traffic problems and that the Portland School District never posted a notice indicating the property was for sale as required, thus depriving them of their right to propose an alternative use. She also objected to portions of the staff report regarding documentation of the traffic situation and emergency vehicle access.

Stephen Janik, attorney for the applicant, said arguments regarding the School District and Goal Three violations raised in Ms. Wilke's testimony were not a part of the notice of appeal as is required. He said the Hearings Officer found the project creatively uses a historic building at less than the allowable density and that it meets all the City's objective standards.

He said the developer has agreed to a number of conditions including redesign of the garages, allowing access to the property for a turnaround and shoring up of the bridge leading to the property. He said all City bureaus have recommended approval and that the Linnton Neighborhood Association previously supported the project. The issue regarding traffic is whether the roads are adequate to additional vehicle use and the studies shows that it would be. Contrary to the appellants' assertions, the stairway will only be enhanced by this project.

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Commissioner Lindberg asked what Council could do if they found that school district or city policy regarding sale of surplus school property had been violated.

Deputy City Attorney Pete Kasting, said the decision must be based upon the City's Comprehensive Plan and implementing regulations and can not take into account school district or city policies unless they are found to be in violation of the Comprehensive Plan or implementing regulations.

The following individuals spoke in favor of the appeal and against the project:

Sharon Vouk, 10160 NW 107th
Richard Lang, 10574 St. Helens Road
Don Sparks, 10242 NW 109th
Terry Houghton, 10250 NW 110th
Kelly Waletich, 10217 NW 108th
Rosa Camarra, 10515 NW 2nd
Dick Hutton, 10615 NW 2nd

They cited concerns with added traffic, inadequate and dangerous road conditions and access, lack of public use of the space, potential landslide problems, and fears that the fenced off stairway will create a blind alley unsafe for use by children.

Stephen Janik read a letter from Jeff and Bill Berlinger in support of the project. Jetta Christian, 10525 NW 2nd, also spoke in favor. Supporters said this was the best possible solution for the vacant property.

Laurel Wentworth, Office of Transportation, spoke for Lewis Wardrip, Traffic Engineer. She said a traffic engineer had examined the site and taken traffic counts and that the original conclusion was that the roadway would be adequate.

Commissioner Blumenauer moved to tentatively deny the appeal and uphold the decision of the Hearings Officer awaiting findings. Commissioner Bogle seconded the motion.

Commissioner Blumenauer said this will have less impact than other uses, especially as it does not involve a zone change. He doesn't think we have the right to force the taxpayers to have a de facto park or the school district to maintain a vacant building.

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Commissioner Bogle said he sees this as a win-win situation in light of our housing goals and our crime prevention recommendations as it converts an abandoned building into eleven housing units.

Commissioner Koch said he reluctantly voted to uphold the Hearings Officer's decision but that from now on when there are appeals based on the inadequacy of the streets he will assume the streets are poor unless the traffic engineer who actually made the decision is present.

Commissioner Lindberg said he didn't think the case met the conditional use criteria and that he supports the appeal. He believes the rights of the existing residents are superior to the developer in this case.

Mayor Clark said while it was a close call he felt that eleven residences would not have that much impact on the traffic situation.

Disposition: Appeal denied tentatively. (Y-4, N-Lindberg) Prepare findings for March 28, 1990.

REGULAR AGENDA

- 465 Appeal of Latifeh Kennedy, applicant against Condition B imposed by the Hearings Officer in approving a Comprehensive Plan Map Amendment and zone change from FFsr to R20sr at 127717 SW Terwilliger Blvd. (Hearing; 7951-PA/S 42-89)

Bob Glasscock, Planning Bureau, reviewed the appeal. He said the Hearings Officer approved R20 zoning and that today's appeal is of Condition B requiring the roadway to three residential lots to be 25 feet from the south property line. He also said no tree inventory has been provided by applicant as requested.

Mike Campbell, Attorney for the applicant, said there is no sufficient justification for requiring a 25 foot buffer between Tryon Creek and the proposed road to the residential lots. He also said there is no reason to impose this condition since the applicant must resubmit a subdivision application and the buffer could be reconsidered at that time.

Commissioner Lindberg said he understood from Steve Pfeiffer, Mrs. Kennedy's previous attorney, that he was going to work out a solution among the various parties.

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Mr. Glasscock said Mr. Pfeiffer indicated the applicant did not have an alternative site plan but simply wanted to make the case that Condition B was not needed.

Joan O'Bannon, Chair of Friends of Tryon Creek, said their concern was with an adequate buffer for the Park.

Ruth Pennington and Lucille Beck, also members of Friends of Tryon Creek, voiced concern over the lack of a tree inventory and the additional curb cuts.

George Edens, 11309 10th Street, Lake Oswego, said the Park has been very well treated in this situation because the prior property owner donated one acre to the Park.

Disposition: Appeal denied. (N-4; Koch absent)

The meeting was recessed at 3:30 p.m.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF MARCH, 1990 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Officer Howard Jordan, Sergeant at Arms.

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

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

- * 466 Grant a revocable permit to Rouse-Portland Incorporated to close and place a stage and a television broadcast stand on SW 5th Avenue and SW Morrison Street on March 29, 1990 (Ordinance)

Disposition: Ordinance No. 162853. (Y-4, Koch absent)

REGULAR AGENDA

Commissioner Earl Blumenauer

- * 467 Amend the programs offering limited property tax abatement for new multiple and single unit residential construction and owner- and renter-occupied rehabilitation improvements (Ordinance; repeal Code Chapters 3.102 and 3.104 and replace with amended chapters.)

Discussion: Council members said they had been briefed about the amendments and had no questions.

Disposition: Ordinance No. 162854. (Y-4, Koch absent)

Commissioner Dick Bogle

- 468 Liquor license application for KCBS, Inc, Kathryn Bullard dba Dublin Pub at St. Johns, 8203 North Ivanhoe, Retail Malt Beverage license, Change of Owner, unfavorable recommendation (Report)

Dennis Nelson said Richard Forrester, attorney for the applicant had asked for a setover. He said License Bureau records show the applicant was notified of the hearing date and should have been familiar with the process. He said a number of citizens had come in today to testify.

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Mr. Forrester said his client needed more time for preparation of a defense because she only received the report on Saturday (March 17) and because denial of the license in St. Johns based upon the prior operation at the SE Belmont was a serious allegation essentially precluding the applicant from operating in the City again.

Council agreed to go ahead and hold the hearing and take public testimony but leave the written record open until next Wednesday (March 28) and give the applicant five minutes at the March 29 Council session for an additional summation before the final vote.

Henry Emrich, Licenses, said there was a great deal of neighborhood concern with this application. The applicant has a questionable record of liquor-related problems and compliance history. The St. Johns area has experienced some serious liquor-related problems and it is questionable that a licensee with a record of dealing inadequately in other areas would have better results here.

The following individuals stated their opposition to granting a liquor license to the applicant:

Simone Tyler, St. Johns Neighborhood Association
9310 N. St. Johns

Michael Vernon, Portsmouth Neighborhood Association
4052 N. Attu

Leora Mahoney, 9571 N. Tioga

Martha Wheeler, 930 SE 31st

Frank Tarr, 10138 N. James

John DiPasquale, 16624 SE Haigh

Willa Larsen, 6837 N. Powers

Bonita Aadlund, 9533 N. Lombard

Those opposed said it was an improper location for a tavern and stated their concerns with late-night noise, parking by patrons on residential streets and problems with intoxicated persons. They also cited the applicant's past history of non-compliance and not cooperating with neighbors.

John Di Pasquale, representing St. Johns Boosters, supported granting the license on two conditions: 1) provision of adequate off-street parking and, 2) specific improvements to the property to abate noise.

Al Salazer, former owner of the property, supported granting the license. He said the restored building is a great asset to the community, located in a commercial area with the nearest residence a block away. He said most of the complaints about Ms. Ballard's pub on SE Belmont came from one person.

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Tom Stubblefield, owner of the St. Johns Thriftway adjacent to the proposed tavern, said he was approached by the applicant to lease parking spaces but was unable to get any straight answers from her. For this reason and because his patrons and employees are against granting the license, he will not lease parking spaces to the applicant.

Kate Bullard, applicant, said the building is an architectural jewel and she envisions events such as barbershop quartets and square dancing taking place here. She tries to be cooperative with neighbors and the OLCC.

Disposition: Continued to March 29, 1990

- 469 Further ensure compliance by Secondhand Dealers (Previous agenda No. S-432, Ordinance; amending Chapter 14.37)

Dennis Nelson said an informational hearing was held last week with interested parties and the Bureau agreed to do two things: 1) produce a short checklist to help people determine if they need a secondhand dealer license and, 2) report back to Council on the new regulations prior to the end of fiscal year 1991.

Disposition: Ordinance No. 162855 (Y-5)

At 2:50 pm, Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council