



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

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

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

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

Commissioner Lindberg proclaimed May 6-12 as National Drinking Water Week.

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

**CONSENT AGENDA - NO DISCUSSION**

- 749 Accept bid of Russell Construction, Inc. for ballfield lighting at Farragut Stadium for \$39,437 (Purchasing Report - Bid 92)

**Disposition:** Adopted; prepare contract.

- 750 Accept bid of Diamaco, Inc. for The Portland Building ceramic tile restoration and sealing for \$88,740 (Purchasing Report - Bid 97)

**Disposition:** Adopted; prepare contract.

- 751 Accept bid of River Bend Sand and Gravel Co. for annual supply of slurry seal aggregates for \$42,000 (Purchasing Report - Bid 108-A)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

- 752 Confirm appointment of William Gallagher to the City's Investment Advisory Committee (Report)

**Disposition:** Confirmed.

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- 753 Authorize the City Attorney to take an appeal from a judgment against the City in Alvin K. Prather v. City of Portland, Multnomah County Circuit Court Case No. A8906-03234 (Resolution)

Disposition: Resolution No. 34723. (Y-4)

- \* 754 Authorize agreement with Sweetbird Company for City loan of eight used police cars and assorted police equipment for film production (Ordinance)

Disposition: Ordinance No. 163003. (Y-4)

- 755 Authorize the cancellation of certain unpaid invoices totalling \$5,499.32 and direct the Office of Finance and Administration to make the necessary entries in the financial records of the City to reflect these cancellations (Ordinance)

Disposition: Passed to second reading.

- \* 756 Amend Contract No. 25931 with Megann Ratzow for Urban Services canvasser services (Ordinance)

Disposition: Ordinance No. 163004. (Y-4)

- \* 757 Amend Contract No. 24688 with Nicholas Teeny for Urban Services canvasser services (Ordinance)

Disposition: Ordinance No. 163005. (Y-4)

- \* 758 Create five positions and establish salary rates for the Compensation Plan in accordance with Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 163006. (Y-4)

- \* 759 Contract with Metropolitan Family Services for \$23,083 for Project Linkage Summer Yardwork Project and provide for payment (Ordinance)

Disposition: Ordinance No. 163007. (Y-4)

- \* 760 Amend Agreement No. 25554 with the Oregon Trail Chapter of the American Red Cross by increasing the amount by \$5,500 for housing payments and bus passes (Ordinance)

Disposition: Ordinance No. 163008. (Y-4)

Commissioner Earl Blumenauer

- 761 Accept completion of emergency sewer repair work at SE Belmont St. from 2411 to SE 25th Avenue, and make final payment (Report; Ordinance 162502)

Disposition: Adopted.

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- 762 Accept completion of the SE Madison St. and SE 47th Avenue Relief Sewer and make final payment (Report; Contract No. 25520)

**Disposition:** Adopted.

- 763 Authorize an interagency agreement between the Bureau of Environmental Services and the Portland Development Commission to finance sewer connection charge loans for low-income homeowners within the Mid-County Sewer Project (Second Reading Agenda 713)

**Disposition:** Ordinance No. 163009. (Y-4)

- \* 764 Authorize execution of modification of a marketing agreement between the City and The Taulman Company (Ordinance)

**Disposition:** Ordinance No. 163010. (Y-4)

- \* 765 Authorize agreement with First Interstate Bank to offer the option to pay sewer connection and permit fees with charge cards (Ordinance)

**Disposition:** Ordinance No. 163011. (Y-4)

- \* 766 Authorize a payment for developer reimbursement to C. B. H. Companies, who constructed 1600 feet of sanitary sewer in SE 174th Avenue between SE Haig Street and SE Powell Boulevard, in the amount of \$96,966 (Ordinance)

**Disposition:** Ordinance No. 163012. (Y-4)

**Commissioner Dick Bogle**

- \* 767 Authorize Memorandum of Understanding with Port of Portland for termination of the lease for Engine Station 12 and for the sale of Engine Station 12 building (Ordinance)

**Disposition:** Ordinance No. 163013. (Y-4)

- \* 768 Contract with Jason Sawyer and Loretta Sawyer for fire prevention and suppression services (Ordinance)

**Disposition:** Ordinance No. 163014. (Y-4)

- \* 769 Authorize the donation of a surplus fire apparatus to the Rainmakers (Ordinance)

**Disposition:** Ordinance No. 163015. (Y-4)

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- \* 770 Contract with David F. Weich, Sr. for fire prevention and suppression services (Ordinance)  
**Disposition:** Ordinance No. 163016. (Y-4)
- \* 771 Contract with Burlington Water District for fire prevention and suppression services (Ordinance)  
**Disposition:** Ordinance No. 163017. (Y-4)
- \* 772 Contract with Calvary Temple for use of parking lot for BOEC employees (Ordinance)  
**Disposition:** Ordinance No. 163018. (Y-4)

**Commissioner Bob Koch**

- \* 773 Authorize a contract with Hoogs & Pradhan, Architects and Planners, for architectural services for police vehicle impoundment storage facility, waiving consultant selection procedure, and providing for payment (Ordinance)  
**Disposition:** Ordinance No. 163019. (Y-4)

**Commissioner Mike Lindberg**

- \* 774 Authorize new concession agreement with Clark R. Cumpston and Robert Cumpston for Eastmoreland Golf Course to replace Contract #14710 (Ordinance; waive Code section 5.32.070)  
**Disposition:** Ordinance No. 163020. (Y-4)
- \* 775 Transfer and assign a parcel of Water Bureau land at the Northeast corner of Kelly Butte on NE 101st Avenue to the Bureau of Environmental Services for construction and operation of a pump station (Ordinance)  
**Disposition:** Ordinance No. 163021. (Y-4)
- \* 776 Authorize the Purchasing Agent to call for bids on behalf of the Bureau of Parks and Recreation for renovations to the play equipment in Couch Park, located at NW 20th and Hoyt Streets; authorize the Parks Bureau to enter into a contract with the most favorable bidder; and authorize warrant(s) chargeable to the appropriate Parks Bureau Funds when demand is presented and approved by the proper authorities (Ordinance)  
**Disposition:** Ordinance No. 163022. (Y-4)

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- 776A Approve retroactive property tax exemption for Oregon Parks Foundation, Inc.. (Ordinance)

**Disposition:** Ordinance No. 163023. (Y-4)

**REGULAR AGENDA**

- 777 Assess improvement of N. Dekum Street from the west line of N. Delaware Avenue to the east line of N. Boston Avenue, and construction of sumps (Second Reading Agenda 727)

**Disposition:** Ordinance No. 163024. (Y-4)

- 778 Accept bid of The Halton Company for furnishing a 4-wheel drive tractor backhoe loader for \$51,335 (Purchasing Report - Bid 90)

**Disposition:** Adopted; prepare contract.

- 779 Accept bid of Portland Freightliner, Inc. for furnishing two cab and chassis with air controlled drop axle for \$120,980 (Purchasing Report - Bid 98)

**Disposition:** Adopted; prepare contract.

**Mayor J. E. Bud Clark**

- \* 780 Apply for \$1,000,000 in grant/loan funds from the Oregon Special Public Works Fund to support the public infrastructure development of the International Corporate Center within the Airport Way Urban Renewal Area (Ordinance)

**Disposition:** Ordinance No. 163025. (Y-4)

**Commissioner Earl Blumenauer**

- 781 Accept a proposal to provide for construction of the Terwilliger Bridge (Resolution)

**Disposition:** Resolution No. 34724. (Y-4)

Commissioner Blumenauer said this represents a reasonable compromise and the bridge will now become a state responsibility and no longer be an item of contention for the City.

- \* 782 Amend Contract No. 24930 with Murray, Smith and Associates to authorize design of the Royal Highlands Sewer System, transfer funds and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163026. (Y-4)

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- \* 783 Contract with Brown and Caldwell Consultants for professional engineering services, transfer funds, and provide for payment (Ordinance)  
  
Disposition: Ordinance No. 163027. (Y-4)
- \* 784 Authorize the City to enter into an Intergovernmental Agreement with Portland State University for the Columbia Slough Flow Augmentation Project for a cost not to exceed \$88,765 and provide for payment (Ordinance)  
  
Disposition: Ordinance No. 163028. (Y-4)
- \* 785 Authorize a contract with Brown and Caldwell, Consulting Engineers, a professional engineering corporation, to provide engineering and planning services in connection with the preparation of a facilities plan for the Columbia Slough Flow Augmentation Project for a cost not to exceed \$260,250.19 and provide for payment (Ordinance)  
  
Disposition: Ordinance No. 163029. (Y-4)

**Commissioner Bob Koch**

- \* 786 Call for bids for providing for repair and service of Cushman Scooters for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 737)

Mary Nolan, Maintenance Bureau Director, said her bureau has been working with the Bureau of General Services on appropriate vending of certain repairs and maintenance for the specialized vehicles named in this and the following five ordinances. She said they had reached agreement with General Services regarding rate methodology, operational requirements for three of the vehicles and ensuring that the draft specifications accommodated operational needs.

David Kish, Director, Bureau of General Services, said their intent is to get the best maintenance program for City that meets operational needs of the bureau.

Disposition: Ordinance No. 163030. (Y-4)

- 748 TIME CERTAIN: 9:45 AM - Declare the 1990's as the "Decade of the Family" (Resolution introduced by Commissioner Lindberg)

Commissioner Lindberg moved to accept a substitute resolution. On a second by Commissioner Koch, the motion carried. (Y-4)

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Commissioner Lindberg said the work of the Global Vision Foundation had culminated in this resolution.

Global Vision Foundation members speaking in support of the resolution included:

Christie McCook, Global Vision Foundation President  
Tom Potter, Global Vision Foundation Board Member  
Katie Wilcox, Global Vision Foundation  
Jim Kelly, Rejuvenation House Fixtures  
Stan Amy, 2510 NE Thompson

Supporters said the Foundation is committed to an expanded family approach to affect the root causes of social disharmony by promoting policies that nurture families, give people the skills to be better parents, and broaden the role of the family beyond the traditional model.

**Disposition:** Resolution No. 34725. (Y-4)

- \* 787 Call for bids for providing for repair and service of manlift components of city vehicles for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 738)

**Disposition:** Ordinance No. 163031. (Y-4)

- \* 788 Call for bids for providing for repair and service of paint strippers for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 739)

**Disposition:** Ordinance No. 163032. (Y-4)

- \* 789 Call for bids for providing for service, repair, overhaul and replacement of automatic transmissions for light and medium vehicles for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 740)

**Disposition:** Ordinance No. 163033 . (Y-4)

- \* 790 Call for bids for providing for repair, replacement and installation services for medium and heavy trucks, and off-road vehicles tires for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 741)

**Disposition:** Ordinance No. 163034. (Y-4)

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- \* 791 Call for bids for repair and service of street sweepers for the Bureau of General Services, authorize a contract and provide for payments (Previous Agenda 742)

**Disposition:** Ordinance No. 163035. (Y-4)

- \* 792 Declare surplus property located at Vermont Yard and authorize sale (Ordinance)

**Disposition:** Ordinance No. 163036. (Y-4)

- \* 793 Enter into a contract with US West Communications to provide central office telecommunications services, and provide for payment (Ordinance)

**Disposition:** Commissioner Bogle commended Steve Manton of his staff for work on this contract and the one to follow which will substantially reduce City phone costs.

**Disposition:** Ordinance No. 163037. (Y-4)

- \* 794 Enter into a Contract with US West Communications for conversion of existing Centrex services to Digital Centrex for a period of 48 months, and declaring an emergency (Ordinance)

**Disposition:** Ordinance No. 163038. (Y-4)

At 10:20 a.m., Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF MAY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle and Lindberg, 3.

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

795 **TIME CERTAIN:** 2:00 PM - Appeal of Sandy Barr, applicant, against decision of the Hearings Officer to deny the revocable permit to continue operating a second hand business/flea market at 8501 and 8725 N. Chautauqua (Hearing; 7972R)

Paul Norr, Attorney for Sandy Barr, requested a continuance due to the death of Mr. Barr's father. He said he had no objection to letting those people present today testify.

The Council decided that since the applicant was not present and only three Council members were in attendance it would be better to continue the hearing.

Reena Heijdemann, Portsmouth Neighborhood Association Chair, asked that the matter be settled as the earliest possible date.

**Disposition:** Continued to 2:00 p.m. Time Certain, May 31, 1990.

At 2:11 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF MAY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Lindberg, Presiding; Commissioners Bogle and Koch, 3.

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

Due to the absence of Mayor Clark and Commissioner Blumenauer, the Consent agenda was continued to May 16, 1990.

#### CONSENT AGENDA - NO DISCUSSION

Mayor J. E. Bud Clark

- \* 797 Change processing of investigation and settlement of employment discrimination complaints (Ordinance; amend Code Section 3.18.020, and add Section 3.53 (5))

**Disposition:** Continued to May 16, 1990.

Commissioner Mike Lindberg

- \* 798 Grant a park-use permit to the Bruce Higginson and Rick Rollins to use West Delta Park for the Seattle to Portland Bike Race (Ordinance)

**Disposition:** Continued to May 16, 1990.

- \* 799 Grant a park-use permit to the Bow and Arrow Cultural Club to use East Delta Park for a Pow-Wow and Encampment (Ordinance)

**Disposition:** Continued to May 16, 1990.

- 796 **TIME CERTAIN:** 2:00 PM - Appeals of Lois Wakelin/Gary Marshal and Richmond Neighborhood Association against approval of the application of Joseph W. Angel for a zone change from R5 to C2 in order to construct a restaurant and parking lot at 1616, 1626 and 1636 SE 39th Avenue (Previous Agenda 743)

Public testimony and rebuttal on these appeals was heard despite the absence of two Council members. The Mayor and Commissioner Blumenauer will review video tapes of today's session and the matter will be continued for a vote until May 24, 1990.

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The following individuals testified in opposition to granting the application of Mr. Angel for a Burger King facility:

Joel Campf, 1603 SE 40th  
Martha Wheeler, 930 SE 31st  
Diane McKenney, 1625 SE 40th  
Gayle Preston, 3943 SE Ivon  
Helen McDowell, 1527 SE 40th  
Bob Head, 1828 SE 43rd  
Scot Stephenson, 308 SE Greenway, Gresham  
Holly Nelson, 1615 SE 38th  
John Moran, 1649 SE 40th  
Sharon Holland, 4106 SE Lincoln  
Doug Robertson, 1809 SE 38th  
Irish Bunnell, 1729 SE 38th  
Terry McAuliff, 1514 SE Taylor  
Mark McKenney, 1625 SE 40th

Opponents focused on the major traffic problems they believe this facility will cause and said it will have a detrimental effect on the Hawthorne neighborhood. Several asked Commissioner Blumenauer to disqualify himself because of his friendship with Mr. Angel.

Dennis Gilman, 1313 SE Oak, said SE 39th is a disaster already because there is no parking and that since fast food restaurants are a necessary part of a community every neighborhood must share the load by providing for such businesses.

Wayne Kittelson, Traffic Engineer, said his traffic study should be given more weight than the others because it is the only one where a first hand and very comprehensive investigation has been made. He said they followed specified procedures and then did simulations which showed that traffic volumes will not increase substantially and that traffic problems resulting from the left turn lane and cut-throughs would be minimal.

Stephen Janik said the only relevant concern is whether the traffic services are adequate. He said on this subject Council must rely on the analysis of the experts, including the City's, and not on laypersons. The test for judging traffic services is that they be adequate, not perfect or exemplary, and if Council finds the traffic services inadequate they must list and explain them.

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Commissioners Bogle and Lindberg asked Ruth Spetter to comment on the memorandum from Senior Deputy City Attorney Pete Kasting stating that policies other than those listed in 10.7(C) were not intended to be applied as approval criteria in rezoning requests.

Ms. Spetter said this was correct and that the other Comprehensive Plan sections did not appear to be specific enough to be criteria for the zone change.

Commissioner Lindberg and Commissioner Bogle asked about Mr. Herman's report stating that if the Burger King went in noise standards would be violated.

Mr. Herman said he found Mr. Duble's allegations that noise code standards will be violated to be correct though perhaps not to the extent indicated and that he did not know of any way to mitigate these violations.

Commissioner Lindberg asked if the noise report was irrelevant because Council could not consider this as a criteria for the zone change.

Ms. Spetter said there was a condition attached regarding the need to comply with noise and Council could condition a zone change anyway it believes necessary although it could not deny it based on projected noise levels.

Ky Holland reiterated Richmond Neighborhood Association's belief that the appeal should be sustained and the zone change denied based on inadequate traffic services and nuisance abatements. He requested a small scale study area and disputed the Kittelson traffic findings.

Ed Sullivan, attorney for appellants Wakelin and Marshel, said noise is a concern and requested a certification of compliance to City and DEQ noise standards by a sound engineer before construction begins. He also asked for a public review of the site plan before the Hearings Officer and elimination of the drive-through window on this site. Mr. Sullivan said Council has the authority to condition so as to prevent violations.

Mr. Janik said they have no problem with a condition to meet noise standards but that this is not a standard of approval for granting a zone change. He asked for an opportunity to rebut Mr. Bernstein's latest report on traffic and Mr. Sullivan asked for the same opportunity to rebut Mr. Kittelson's findings. Ms. Spetter said that would be okay but that no additional responses would be allowed.

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Commissioner Lindberg said these responses must be in within a week. He also defended Commissioner Blumenauer's ability to make an objective decision in this appeal.

Joe Angel, in response to a question from Commissioner Bogle, said there are no Burger Kings without drive-through windows in this area.

Commissioner Bogle asked if there were any negotiations going on between the neighborhoods and Burger King and if the neighborhood had developed a list of conditions it would be willing to negotiate.

Mr. Holland said the bottom line is that they are unequivocally opposed and that no conditions will make this acceptable.

**Disposition:** Continued to Thursday, May 24, Time Certain 2:00 p.m.

At 4:48 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council