



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF MAY, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark proclaimed May 23-26 as Poppy Days and recognized the American Legion Auxiliary.

Rita Childs, representing the Brentwood-Darlington Neighborhood Association, presented a check for \$550.00 for Harney Park.

Agenda Nos. 856, 881, 885 and 902 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 853 Cash and Investment Balances for April 12, 1990 through May 09, 1990 (Report; Treasurer)

Disposition: Adopted. Placed on File.

- 854 Accept quote of B L and B Contractors, Inc., for construction of SE 102nd Ave South of SE Lincoln St. Sanitary Sewer for \$36,790 (Purchasing Report - Informal Quotation)

Disposition: Adopted; prepare contract.

- 855 Accept bid of Oregon Asphaltic Paving Company for Maintenance Oil Gravel Project 1990 for \$123,810 (Purchasing Report - Bid 103)

Disposition: Adopted; prepare contract.

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- 857 Accept bid of K and R Plumbing Construction, Inc., for construction of SW Terwilliger Blvd. Phase IV and V Storm Sewer System for \$392,782 (Purchasing Report - Bid 114)
- Disposition:** Adopted; prepare contract.
- 858 Accept bid of Coliseum Leasing for one year lease for approximately 25 used passenger cars for \$118,200 (Purchasing Report - Bid 120)
- Disposition:** Adopted; prepare contract.
- 859 Accept bid of A-1 Sandblasting and Steam Cleaning Co. for painting Kelly Butte Tower for \$50,000 (Purchasing Report - Bid 122)
- Disposition:** Adopted; prepare contract.
- 860 Reject bid of Russell Construction, Inc. (Purchasing Report - Bid 123)
- Disposition:** Adopted; bid rejected.
- 861 Reject all bids for composter sludge bin outfeed modifications for Columbia Blvd. Wastewater Treatment Plant (Previous Agenda 800)
- Disposition:** Adopted; all bids rejected.
- 862 Accept bid of A.C. Schommer & Sons, Inc. for maintenance/stores facility for Columbia Blvd. Wastewater Treatment Plant for \$4,315,100 (Previous Agenda 801)
- Disposition:** Adopted. Prepare contract.
- 863 Accept bid of Highlite Construction Company for traffic signal equipment at 7 locations for \$161,804 (Previous Agenda 802)
- Disposition:** Adopted; prepare contract.
- 864 Reject bid of Utility Equipment, Inc. for furnishing 2 utility service vans with mounted aerial lift (Previous Agenda 803)
- Disposition:** Adopted; bid rejected.
- 865 Accept bid of Tigard Electric Inc. for Arterial and Residential Street Light Conversion Phase VII for \$82,275 (Previous Agenda 804)
- Disposition:** Adopted; prepare contract.

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- 866 Accept bid of K & R Plumbing Construction Co. Inc. for SE Harrison Street and SE 155th Place Sanitary Sewer for \$37,625 (Previous Agenda 805)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- * 867 Settle claims of Sandra Herman (Previous Agenda 806)

Disposition: Ordinance No. 163039. (Y-5)

- 868 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 (Previous Agenda 807)

Disposition: Ordinance No. 163040. (Y-5)

- * 869 Authorize application by the Police Bureau for a grant under the FY 1990 Drug Control and System Improvement Formula Grant Program in the amount of \$93,000 (Previous Agenda 808)

Disposition: Ordinance No. 163041. (Y-5)

- * 870 Pay claim of Shawna Almlie (Previous Agenda 809)

Disposition: Ordinance No. 163042. (Y-5)

- * 871 Amend Contract No. 24690 with James Morgan Ross for Urban Services canvasser services (Previous Agenda 810)

Disposition: Ordinance No. 163043. (Y-5)

- * 872 Amend Contract No. 25766 with Linn A. Kuczek for Urban Services canvasser services (Previous Agenda 811)

Disposition: Ordinance No. 163044. (Y-5)

- * 873 Amend Contract No. 25767 with John E. Morrison for Urban Services canvasser services (Previous Agenda 812)

Disposition: Ordinance No. 163045. (Y-5)

- * 874 Amend Contract No. 25800 with Richard E. Spohn for Urban Services canvasser services (Previous Agenda 813)

Disposition: Ordinance No. 163046. (Y-5)

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- * 875 Establish the nonelective contribution (Employee Benefit Allowance) for the Cafeteria Fringe Benefit Plan nonrepresented participants for the plan year from July 1, 1990, through June 30, 1991 (Ordinance)

Disposition: Ordinance No. 163047. (Y-5)

- * 876 Pay claim of Colin Jorgensen subject to approval of Multnomah County Circuit Court (Ordinance)

Disposition: Ordinance No. 163048. (Y-5)

- * 877 Application to the Criminal Justice Services Division for a grant of \$94,048 for Community Crime Information Unit (Ordinance)

Disposition: Ordinance No. 163049. (Y-5)

- * 878 Application to the Governor's Drug and Violent Crime Policy Board for a grant of \$58,822 for the Greater Portland Area Police Activities League (Ordinance)

Disposition: Ordinance No. 163050. (Y-5)

- * 879 Authorize an agreement with The Private Industry Council for reimbursement of costs associated with employing a person as City-School Liaison (Ordinance)

Disposition: Ordinance No. 163051. (Y-5)

Commissioner Earl Blumenauer

- 880 Accept completion of the Southeast Relieving Interceptor, Phase 4, successor contract, and make final payment (Previous Agenda 814)

Disposition: Adopted.

- * 882 Contract with James M. Wood to provide vibration analysis and mechanical consulting in machinery installation or to correct machinery's on-line performance at the Wastewater Treatment Branch's operation, and provide for payment (Previous Agenda 815)

Disposition: Ordinance No. 163052. (Y-5)

- * 883 Contract with Kramer, Chin and Mayo, Inc. to provide design and construction services for new, and existing wastewater pump station renovations, authorize a contract and provide for payment (Previous Agenda 816)

Disposition: Ordinance No. 163053. (Y-5)

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- * 884 Amend contract with Kramer, Chin and Mayo, Inc. to provide funds for Project Management, Design and Construction Services for four new adjustable frequency drives and a model study of the Sullivan Pump Station, and provide for payment (Previous Agenda 817)
- Disposition:** Ordinance No. 163054. (Y-5)
- * 886 Authorize the purchase of computer software and hardware from the Intergraph Corporation (Previous Agenda 819)
- Disposition:** Ordinance No. 163055. (Y-5)
- * 887 Authorize an agreement with David Evans and Associates, Inc. to develop Performance Street standards for the Bureau of Transportation Engineering, and authorize the drawing and delivery of warrants (Previous Agenda 820)
- Disposition:** Ordinance No. 163056. (Y-5)
- * 888 Accept two sewer easements for the Richardson (#36) Sanitary Sewer System Project, granted by Susan Jo Divine and Kenneth L. and Sharlene S. Smith, authorizing total payment of \$300 (Ordinance; C-9702)
- Disposition:** Ordinance No. 163057. (Y-5)
- * 889 Accept six temporary construction easements, for the Richardson (#36) Sanitary Sewer System Project, granted by Roberta A. and Bob Martin, Kenneth M. and Karen A. Wittig, Hubert C. Simon, Leo E. and Jeanette A. Clark, William R. and June Lee Redman, and Stanley C. and Doreen E. Aamold, authorizing total payment of \$998 (Ordinance; C-9702)
- Disposition:** Ordinance No. 163058. (Y-5)
- * 890 Accept a sewer easement for the Richardson (#36) Sanitary Sewer System Project, granted by James D. Pauley and Mary Lou Pauley, authorizing total payment of \$822 (Ordinance; C-9702)
- Disposition:** Ordinance No. 163059. (Y-5)
- * 891 Accept a sewer easement for SW Vermont Street east of SW 25th Avenue sewer pipeline, granted by St. Vincent Valley Medical Center Limited Partnership at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163060. (Y-5)

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- * 892 Accept two sewer easements for an identical parcel of land, for the Richardson (#36) Sanitary Sewer System Project, granted by Oren L. Wiseman and Gary K. Eveland, authorizing total payment of \$100 (Ordinance; C-9702)

Disposition: Ordinance No. 163061. (Y-5)

- * 893 Accept two sewer easements and one temporary construction easement, for the Richardson (#36) Sanitary Sewer System Project, granted by Raymond L. Kneeland, Marcella R. Kneeland, The Portland First Bible Missionary Church, Jeffery A. Hughes, and Susan M. Hughes, authorizing total payment of \$2,988 (Ordinance; C-9702)

Disposition: Ordinance No. 163062. (Y-5)

- * 894 Establish collection and foreclosure procedures for property in the Sewer Safety Net Program having delinquent assessment payments (Ordinance)

Disposition: Ordinance No. 163063. (Y-5)

- * 895 Enter into loan agreement with the Department of Environmental Quality to acquire funds for the Sewer Safety Net Program (Ordinance)

Disposition: Ordinance No. 163064. (Y-5)

- * 896 Agreement with Deloitte and Touche for an organization and fee study for the Development Services Division of the Bureau of Transportation Engineering (Ordinance)

Disposition: Ordinance No. 163065. (Y-5)

- * 897 Authorize a contract with BL and B Contractors, Inc., for construction of the SE 102nd Avenue South of SE Lincoln Street Sanitary Sewer, and provide for payment (Ordinance)

Disposition: Ordinance No. 163066. (Y-5)

- * 898 Revocable permit to Hamilton Events, to maintain banners on street light poles from July 15 to August 13, 1990 (Previous Agenda 839)

Disposition: Ordinance No. 163067. (Y-5)

- * 899 Revocable permit to Oregon Amateur Sports Foundation, Inc., to maintain banners on street light poles from June 25, 1990 to July 9, 1990 (Previous Agenda 840)

Disposition: Ordinance No. 163068. (Y-5)

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Commissioner Bob Koch

- * 900 Pay two claims totalling \$353: Jim Parks, \$58; Mike A. Lieb, \$295 (Previous Agenda 821)

Disposition: Ordinance No. 163069. (Y-5)

- * 901 Authorize an extension of Contract No. 25430, ADCOMM Engineering Company to continue with the 800mhz radio system planning (Previous Agenda 822)

Disposition: Ordinance No. 163070. (Y-5)

Commissioner Mike Lindberg

- 903 Accept completion of park restroom construction at North Park Blocks and make final payment (Report; Contract No. 25820)

Disposition: Adopted.

- 904 Accept Contract with Werbin West Contracting, Inc. for the construction of 8-inch and 6-inch water mains in SW Simpson St. and NE Gertz Road as complete and authorize final payment of \$43,214.19 (Previous Agenda 824)

Disposition: Adopted.

- * 905 Authorizes a contract with Double T Forest Products for furnishing treated timber for Bull Run bridges to the Bureau of Water Works for \$34,119.35 (Ordinance)

Disposition: Ordinance No. 163071. (Y-5)

- * 906 Grant a park-use permit to Bruce Higginson and Rick Rollins to use West Delta Park for the Seattle to Portland Bike Race (Previous Agenda 825)

Disposition: Ordinance No. 163072. (Y-5)

- * 907 Grant a park-use permit to the Bow and Arrow Cultural Club to use East Delta Park for a pow-wow and encampment (Previous Agenda 826)

Disposition: Ordinance No. 163073. (Y-5)

- * 908 Accept an Oregon State Marine Board Maintenance Assistance Program allocation for FY 1990-91 in the amount of \$12,000 for the maintenance of boating facilities assigned to the Bureau of Parks (Previous Agenda 827)

Disposition: Ordinance No. 163074. (Y-5)

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- * 909 Designate and assign certain City owned park property in the Overlook Community Center, as public street right-of-way for the widening of N. Melrose Drive (Previous Agenda 828)

Disposition: Ordinance No. 163075. (Y-5)

- * 910 Grant a revocable permit to the Portland Rose Festival Association to close portions of city streets prior to the Grand Floral Parade, from 5:00 a.m. to 12:00 noon, on Saturday, June 9, 1990 (Previous Agenda 841)

Disposition: Ordinance No. 163076. (Y-5)

- * 911 Grant a revocable permit to the Portland Rose Festival Association to use propane cooking units in the festival center area from May 31 through June 11, 1990, and waive permit fees (Previous Agenda 842)

Disposition: Ordinance No. 163077. (Y-5)

- * 912 Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park for their annual festival from May 25 through June 14, 1990, waive fees, other than park permit fees, for permits and inspection, and waive code requirements for construction of booths (Previous Agenda 843)

Disposition: Ordinance No. 163078. (Y-5)

- * 913 Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 6, 1990, and to vend and sell festival paraphernalia and certain food items along the route during the parade, and waive City license fees other than parade permit processing fees (Previous Agenda 844)

Disposition: Ordinance No. 163079. (Y-5)

- * 914 Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 9, 1990, and to vend and sell festival paraphernalia and certain food items along the route during the parade, and waive City license fees other than parade permit processing fees (Previous Agenda 845)

Disposition: Ordinance No. 163080. (Y-5)

- * 915 Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on June 2, 1990, vend and sell festival paraphernalia and certain food items along the route during the parade, and waive City license fees other than parade permit processing fees (Previous Agenda 846)

Disposition: Ordinance No. 163081. (Y-5)

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- * 916 Grant a revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks, beginning on May 15, 1990, and ending on June 25, 1990 (Previous Agenda 847)

Disposition: Ordinance No. 163082. (Y-5)
- * 917 Grant a revocable permit to the Portland Rose Festival Association to place overhead decorations within the street area of NE Martin Luther King, Jr. Boulevard between Weidler and Burnside Streets, and NE Sandy Boulevard between 37th and 47th Avenues, from May 15 through June 25, 1990 (Previous Agenda 848)

Disposition: Ordinance No. 163083. (Y-5)
- * 918 Grant a revocable permit to the Portland Rose Festival Association to erect and maintain flags and banners on the ornamental light standards in downtown Portland from May 15 through June 25, 1990 (Previous Agenda 849)

Disposition: Ordinance No. 163084. (Y-5)

City Auditor Barbara Clark

- 919 Set hearing date, 9:30 a.m., Wednesday, June 27, 1990, to vacate all that portion of SW 60th Avenue lying between the north line of SW Douglas Street and a line drawn 120 feet north of and parallel with the south line of SW Douglas Street (Report; Petition; C-9721)

Disposition: Adopted.
- 920 Set hearing date, 9:30 a.m., Wednesday, June 27, 1990, to vacate a certain portion of SW 60th Avenue (Report; Petition; C-9722)

Disposition: Adopted.

REGULAR AGENDA

- 856 Accept bid of Jerry Brundidge Construction for construction of sumps 1990 for \$278,459 (Purchasing Report - Bid 110)

Disposition: Referred back to Purchasing.
- 881 Authorize the Administrator of the Bureau of Environmental Services to sign all applications, loan agreements and amendments, and other documents relating to Oregon Department of Environmental Quality State Revolving Fund loans for water pollution control facilities (Resolution)

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Discussion: Commissioner Blumenauer moved to accept an amendment to the resolution which adds the words "subject to City Council approval" to the final resolution clause. (Y-5)

Disposition: Resolution No. 34728. (Y-5)

- * 885 Accept two sewer easements for the Floyd Light Sanitary Sewer Project, granted by Multnomah County School District No. 40, and Pietro's Corp., authorizing total payment of \$4,198 (Previous Agenda 818)

Discussion: Commissioner Blumenauer moved to amend the ordinance to correct the BUC number. On second by Commissioner Koch, the motion carried. (Y-5)

Disposition: Ordinance No. 163085 as amended. (Y-5)

- * 902 Amend contract with Info-Com Consulting for an additional \$26,000 to assist with the implementation of Digital Centrex, provide additional technical and financial analysis of telecommunications options, and expedite the selection of a telecommunications equipment line (Previous Agenda 823)

Commissioner Koch requested continuation for another week.

Disposition: Continued to May 30, 1990.

- 851 **TIME CERTAIN:** 9:30 AM - Express support for trolley operation by Lake Oswego on Jefferson Street Branch Rail Line (Resolution introduced by Commissioner Blumenauer)

Roger Millar, Bureau of Transportation Engineering, explained the terms of the lease worked out between Lake Oswego and the City.

Alice Schlenker, Mayor of Lake Oswego, said the trolley agreement represents a tremendous opportunity for both communities and exemplifies the kind of cooperation that will be occurring between them in the future. She said the 1987 demonstration project showed there was demand for the trolley and that it could be financially successful.

Paul Graham, Task Force Chair, said the Task Force concluded that this project is feasible without a major public subsidy. He said eventually they hope to extend the line to downtown Lake Oswego and downtown Portland, expand its function from an excursion to a commuter service, and integrate it into a regional trolley system.

Margueritte Drake, Johns Landing Homeowners Association, opposed the trolley service on the grounds that it is detrimental to property values, poses safety hazards and is an invasion of privacy.

Commissioner Blumenauer said the consortium will be putting forward a program to involve citizens who live along the line and that the Task Force has demonstrated sensitivity to the issues that have been raised.

Disposition: Resolution No. 34729. (Y-5)

- * 852 Lease of Jefferson Street Branch Rail Line to Lake Oswego (Ordinance introduced by Commissioner Blumenauer)

Disposition: Ordinance No. 163086. (Y-5)

- 921 Accept bid of Brattain International Trucks, Inc., for furnishing one 50,000 gvw 10-12 yard dump truck for \$65,566.53 (Purchasing Report 118)

Disposition: Adopted; prepare contract.

- 922 Accept bid of John May Construction Co. for construction of Willamette Park restroom and parking lot for \$84,079 (Purchasing Report - Bid 121)

Disposition: Adopted; prepare contract.

- 923 Establish a task force to determine whether it is appropriate or advisable for the City Council to create an Environmental Commission (Resolution by Order of Council)

Discussion: Commissioner Blumenauer said this task force is being created to analyze whether creation of a citizens policy group to advise on environmental issues is justified.

Richard Roy, Attorney and state organizer of Earth Day 1990, spoke in support of the task force and suggested adding the word "international" to the resolution in recognition of the global implications of environmental issues.

Commissioner Blumenauer moved to amend the resolution to add the word "international" to the fifth "whereas" clause. On second by Commissioner Bogle, the motion carried. (Y-5)

Disposition: Resolution No. 34730 as amended. (Y-5)

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Mayor J. E. Bud Clark

- 924 Recognize the accomplishments of REACH Community Development and their receipt of an "Award of Excellence" from the Fannie Mae Foundation for developing the Rose Apartments (Resolution)

The Mayor read the resolution and applauded REACH's efforts to provide housing for lower income citizens through such projects as the Rose Apartments.

Jim Raisch, REACH Executive Director, thanked Council for its recognition of REACH's accomplishments.

Disposition: Resolution No. 34731. (Y-4; Bogle absent)

- * 925 Authorize the issuance and sale of Limited Tax General Obligation Bond Anticipation Notes, 1990 Series A and 1990 Series B in an amount sufficient to produce net proceeds of not more than \$50,750,000, to finance local improvements (Ordinance)

Disposition: Ordinance No. 163087. (Y-4; Bogle absent)

- * 926 Authorize the issuance and sale of General Obligation Improvement Bonds, 1990 Series A, in an amount not to exceed \$3,830,000 (Ordinance)

Disposition: Ordinance No. 163088. (Y-4; Bogle absent)

- * 927 Authorize a Lease Purchase Agreement and Certificates of Participation, 1990 Series A, in an amount of not more than \$1,870,000 (Ordinance)

Cay Kershner, Clerk, said an amendment stating that the lease purchase agreement be subject to prepayment on terms established under Section 1(g) hereof had been submitted. Mayor Clark so moved the amendment; on second by Commissioner Blumenauer the motion carried (Y-4)

Disposition: Ordinance No. 163089 as amended. (Y-4; Bogle absent)

- * 928 Approve a grant pre-application to the U.S. Department of Labor (USDOL) for a "School to Work Transition Demonstration Project" in response to a Solicitation for Grant Application recently issued by USDOL (Ordinance)

Disposition: Ordinance No. 163090. (Y-4; Bogle absent)

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- 929 Recommend annexation case A-1-90 be forwarded to the Portland Metropolitan Area Local Government Boundary Commission (Report)
- Disposition:** Adopted.
- 930 Authorize and direct the filing of annexation case A-1-90 with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
- Disposition:** Resolution No. 34732. (Y-5)
- 931 Recommend annexation case A-6-89 in the West Powellhurst area be forwarded to the Portland Metropolitan Area Local Government Boundary Commission (Report)
- Disposition:** Adopted.
- 932 Authorize and direct the filing of annexation case A-6-89 in the West Powellhurst area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
- Disposition:** Resolution No. 34733. (Y-5)
- 933 Recommend annexation case A-14-90 in the Ascot Acres area be forwarded to the Portland Metropolitan Area Local Government Boundary Commission (Report)
- Disposition:** Adopted.
- 934 Authorize and direct the filing of annexation case A-14-90 in the Ascot Acres area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
- Disposition:** Resolution No. 34734. (Y-5)
- 935 Recommend annexation case A-16-90 in the Ascot Acres area be forwarded to the Portland Metropolitan area Local Government Boundary Commission (Report)
- Disposition:** Adopted.
- 936 Authorize and direct the filing of annexation case A-16-90 in the Ascot Acres area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
- Disposition:** Resolution No. 34735. (Y-5)

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- * 937 Change processing of investigation and settlement of employment discrimination complaints (Ordinance; amend Code Section 3.18.020, and add Section 3.53 (5) (Previous Agenda 830)

Discussion: Commissioner Lindberg said his concerns had been addressed and he was ready to vote in support.

Disposition: Ordinance No. 163091. (Y-5)

Commissioner Bob Koch

- 938 Declare surplus properties located at 8210 SE 13th Avenue and 3534 SE Main Street and authorize sale to Sellwood-Moreland Improvement League and Southeast Uplift, respectively (Previous Agenda 832)

Discussion: Commissioner Koch said this fulfills a longtime goal of eliminating properties that were liabilities. He moved to restore the emergency clause. On a second by Commissioner Bogle, the motion carried. (Y-5)

Disposition: Ordinance No. 163092 as amended. (Y-5)

- 939 Declare surplus property at 1402 North River Street and authorize sale (Previous Agenda 833)

Disposition: Ordinance No. 163093. (Y-5)

- * 940 Pay claim totalling \$25; Mary L. Gates (Previous Agenda 834)

Disposition: Ordinance No. 163094. (Y-5)

- * 941 Deny claim against the City, totalling \$76.95: Hershel Lange (Previous Agenda 835)

Disposition: Ordinance No. 163095. (Y-5)

At 10:40 a.m., Council was recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF MAY, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark welcomed a group of students visiting from France.

Commissioner Blumenaur presented Public Works Week awards to the following employees:

Wes Reichelt, Environmental Services
Mike Boyd, Maintenance
Gary Halverson, Maintenance
Terry Moore, Planning Bureau
Russ Obenhaus, Maintenance
Steve Spiitulski, Traffic Management
Brett Kesterson, Transportation Engineering.
David Kliewe, Environmental Services
Barbara Schuele, General Services

- 856 Accept bid of Jerry Brundidge Construction for construction of sumps 1990 for \$278,459 (Purchasing Report - Bid 110)

Discussion: Commissioner Bogle asked Council to reconsider this item, which was taken off Consent this morning and referred back to Purchasing.

Disposition: Adopted; prepare contract.

REGULAR AGENDA

- 942 Appeal of A-1 U Storage, applicant, against decision of the Hearings Officer to deny a conditional use, with a variance, to convert an existing building into mini-storage space in a C2 zone at 2808 NE Martin Luther King Jr. Blvd. (Hearing; Cu 87-89)

Discussion: Jessica Richman, Planning Bureau staff, said the applicant had requested an indefinite delay in order to pursue another option. She said the Planning Bureau's recommendation is to bring it back for consideration in mid-October.

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Commissioner Blumenauer recommended that the appeal be continued to September 19 and the Mayor so ordered.

Disposition: Continued to September 19, 1990, 2:00 p.m.

- 943 Appeal of Roger and Linda Brooks, applicant, against decision of the variance committee to deny application for variances in order to add an exterior courtyard to an existing single-family residence at 2835 NW Cumberland Road (Hearing; VZ 8-90)

Discussion: Cathey Briggs, Planning Bureau, said this was a request for a major variance to add a courtyard and increase the height for a wall in the front and side yards to seven feet from the three-and-one-half feet allowed by Code. She said the Variance Committee had voted five to two to deny the variance on the basis that no hardship exists, private outdoor space is not a property right, and because it does not comply with the intent of the Code to provide open front yards.

Steve Abel, applicant's attorney, said the finding of lack of hardship is too strict a reading of the Code in this case, particularly as all adjoining property owners support granting the variance. He said Mr. Brooks needs usable outside space and that this wall is in keeping with the neighborhood and will not adversely impact it.

Commissioner Lindberg asked if granting the variance would set a precedent for thousands of similar situations.

Mr. Abel said he believes the new Code will abolish variances but that Mr. Brooks did not wish to wait another six months and then begin the process again.

Ms. Briggs said variances will be replaced by adjustments in the Code rewrite and that hardship will not be a part of the adjustment criteria.

Roger Brooks, applicant, said he feels he is a good neighbor and a good citizen for having sought permission both from his neighbors and the City rather than simply proceeding without a permit. He showed slides of fences and hedges in his neighborhood which exceed the legal height limits.

Commissioner Blumenauer said there are distinguishing features in this case which permit this to be overruled without setting any general precedent. He requested that the vote be tentative and that Planning staff work with applicant's attorney to craft the findings he had prepared to more narrowly define the decision.

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Commissioner Bogle said the fence is perfectly in keeping with Spanish-style architecture of the dwelling.

Commissioner Koch said he was voting in favor as a strike against hypocrisy and as a reward for doing the right thing. He said he would like to see the City move to have all those people who are in violation go through the process and make themselves legitimate.

Disposition: Appeal granted tentatively; prepare findings for June 6, 1990, 2:00 p.m.

- 944 Appeal of Chris Harris against approval of the application of Greenlick, Pope & Werner for a zone change from R20 to R10, and a 12-lot subdivision with variances and solar adjustment, located between SW 31st and 27th, Palatine and Stephenson (Previous Agenda 838)

Discussion: Mayor Clark and Commissioner Koch said they had reviewed the tape from the May 16 Council session and were ready to vote.

Miriam Hecht, Planning Bureau, said at the hearing last week she recognized that buffering between the proposed development and appellant's property was an issue. She said she has since prepared a condition that would require the maintenance of the vegetation and the existing trees along the south ten feet of the development site.

Commissioner Blumenauer moved to deny the appeal and add the buffering condition. Commissioner Koch seconded.

Disposition: Appeal denied; application approved with condition.

At 3:00 p.m., Council adjourned.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF MAY, 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; and Ruth Spetter, Senior Deputy City Attorney.

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- * 946 Grant revocable permit to Olympia and York for tieback shoring and soldier piles in SW 3rd Avenue, Columbia and Jefferson Streets (Ordinance)

Disposition: Ordinance No. 163096. (Y-5)

- * 947 Grant revocable permit to the Port of Portland for railroad crossing protection for their crossing at 6147 N. Basin Avenue (Ordinance)

Disposition: Ordinance No. 163097. (Y-5)

- 945 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 796)

Discussion: Mayor Clark and Commissioner Blumenauer said they had reviewed the tapes and were ready to begin discussion.

Commissioner Blumenauer said however the Code is interpreted, this decision is likely to be appealed and likely to set a precedent.

Mayor Clark said the decision boils down to a question of traffic and that he did not see how the street could accommodate the Burger King outlet though perhaps with a right turn only exit it might be all right.

Commissioner Bogle said he will vote to uphold the appeal based on close observation of the traffic. He said a right turn only restriction would have a devastating effect on 40th Avenue and that it would be dangerous to exit off the property.

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Commissioner Lindberg said he will vote for the appeal based on about ten specific concerns about transportation capabilities.

Commissioner Blumenauer said he too visited the proposed site and believes traffic capacity will go over the edge if this project goes forward. He said he hoped the findings could be fashioned in a way that clarifies the thinking of Council on this zone change as he thinks this is a precedent that Council will see more and more of in similar situations.

Commissioner Koch moved to deny the appeal with the addition of a right turn only condition. Having no second, the motion failed.

Commissioner Bogle said he thinks that even with the right turn only this will have a bad impact on other streets.

Commissioner Koch said that if commercial development can no longer go in on 39th Ave then we have a serious problem.

Commissioner Lindberg said he had concluded that with the limited criteria Council can use to decide this case, transportation capability is the only thing we can hang our hat on. He said there is no definition of transportation capabilities and it is an area where one must use one's own judgment in deciding.

Mayor Clark noted that Mr. Kittelson himself had said this is a judgment call and we are the only ones who can make it.

Ms. Spetter said if Council upholds the appeal it needs to be a tentative vote and findings will have to be prepared to support this decision since it differs from that of the Hearings Officer. She said any comments Commissioners have should be sent to Planning staff for inclusion in the decision which will then come back to Council for a final vote.

Commissioner Koch said he hopes the conflict about what is permissible under the Code can be resolved with Council's decision and that the denial of the application can be sustained.

Disposition: Appeals granted tentatively (Y-5); Bureau of Planning prepare findings.

REGULAR AGENDA

- 948 Appeals of Donald & Mary Gilbertson and Adele Kaptur against decision of the Hearings Officer to approve a conditional use to build a parking lot in Columbia Park at 7701 N. Chautauqua Blvd. (Previous Agenda 837)

Discussion: The Mayor and Commissioner Koch said they had reviewed the tapes.

Commissioner Bogle said he thinks thirty-one parking spaces are too many but he would be willing to support a lot with fewer spaces limited exclusively for handicapped use and a dropoff zone.

Commissioner Blumenauer said he was concerned that they would come up with a compromise that was marginally acceptable to the Parks Bureau and the neighborhood when there are other worthwhile capital improvements in the Parks program that did not have neighborhood opposition.

Commissioner Bogle asked about how high Columbia Park was on the list for lighting improvements?

Jim Figurski, Parks Bureau Planner, said the Park was high on the list. He also said the parking lot could be redesigned and limited to special needs users but that neighbors would have many of the same objections as they do with the proposed project. He said the cost effectiveness of such a redesign also becomes questionable because they would be creating an awful lot of driveway for a small parking lot.

Commissioner Koch said he would like to go ahead with something here because this is Portland's only covered, year-round pool and there is an ever increasing need for access to a pool like this by handicapped and seniors.

Commissioner Lindberg said this is a regional swim center and he had heard from many pool users in the last week who need better and safer access. He said perhaps there is an inherent conflict between the neighborhood and users and that either the matter could be referred back to his office to see if there is a more acceptable solution or else just dropped in favor of some other project in another park.

Mr. Figurski said the Bureau did not feel a limited-use facility at Columbia was the best use of taxpayers' money and it would be better to spend the money on amenities for the handicapped at Matt Dishman.

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Commissioner Lindberg said it is clear there are not the votes to support the parking lot today and suggested it be continued for a month to allow his office to look at alternatives before killing the project entirely.

Disposition: Continued to June 28, 1990.

The Mayor announced that there was a four-fifths item. Commissioner Bogle moved that it be heard and on a second by Commissioner Lindberg, the motion carried. (Y-5)

- 949 Disapproval of FY 1990-91 Metropolitan Exposition/Recreation Commission (MERC) Approved Budget pursuant to Intergovernmental Consolidation Agreement No. 25921 and Resolution No. 34714 (Resolution Introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said that the issues surrounding the MERC budget had still not been resolved and they would like to continue negotiations for the next several weeks.

Commissioner Bogle said this is a statesmanlike and firm approach to a thorny issue and indicates Council's resolve to do what is necessary to protect the City's assets.

Disposition: Resolution No. 34736. (Y-5)

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council