



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 1990 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Gary Taylor, Sergeant at Arms.

The Mayor proclaimed October Justice and Equity Month and Jeanette Pai, Metropolitan Human Relations Commission, presented bumper stickers and rainbow colored ribbons to Council members. Commissioner Lindberg read a statement proclaiming that Portland was sending a message to hatemongers that there is no place here for bigotry.

Agenda No. 1638 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1632 Accept bid of Wildish Corvallis Construction Co. for construction of Columbia Boulevard Wastewater Treatment Plant chlorination facility for \$2,053,000 (Purchasing Report - Bid 8)

Disposition: Adopted; prepare contract.

- 1633 Accept bid of Western Telephone for telephone terminal equipment for \$271,069 (Purchasing Report - RFP 18)

Disposition: Adopted; prepare contract.

- 1634 Accept bid of Clearwater Construction Company for NE Fremont Street improvements, NE 102 Ave to NE 122 Ave for \$58,938 (Purchasing Report - Bid 22)

Disposition: Adopted; prepare contract.

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Mayor J. E. Bud Clark

- 1635 Confirm (re)appointments of Jim McAllister, Harold "Rick" Adams, Larry Sanchez, Bev Lutz and Gina Eleane Wood to the Private Industry Council (Report)

Disposition: Adopted.

- 1636 Confirm (re)appointments of Ramona Soto-Rank, Joan Shipley, Jeffrey Alden and Robert Frasca to the Metropolitan Arts Commission for terms to expire June 30, 1992 (Report)

Disposition: Adopted.

- * 1637 Authorize preliminary marketing activities in connection with Airport Way Urban Renewal District urban renewal and redevelopment bonds (Ordinance)

Disposition: Ordinance No. 163504. (Y-4)

- * 1639 Pay claim of Gregory Smith (Ordinance)

Disposition: Ordinance No. 163505. (Y-4)

- * 1640 Settle claims of Terrance Jenkins (Ordinance)

Disposition: Ordinance No. 163506. (Y-4)

- * 1641 Settle claim of Henry Granado (Ordinance)

Disposition: Ordinance No. 163507. (Y-4)

- * 1642 Contract with Computer People, Inc., for data processing services at \$18,720 and provide for payment (Ordinance)

Disposition: Ordinance No. 163508. (Y-4)

- * 1643 Authorize contract with Debbie McCabe for Portland Future Focus project (Ordinance)

Disposition: Ordinance No. 163509. (Y-4)

- * 1644 Contract with Portland Community College for supervision training of City employees for one year and provide for payment (Ordinance)

Disposition: Ordinance No. 163510. (Y-4)

- * 1645 Authorize an agreement with the City of Beaverton to provide access to the Portland Police Data System (PPDS) (Ordinance)

Disposition: Ordinance No. 163511. (Y-4)

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- * 1646 Extend the current Excused-Time (E-Time) Policy for City employees for the period of July 1, 1990, through June 30, 1991 (Ordinance)

Disposition: Ordinance No. 163512. (Y-4)

Commissioner Earl Blumenauer

- 1647 Accept completion of the NE Skidmore and NE 92nd and Marx Wastewater Pumping Stations and make final payment (Report; Contract No. 25015)

Disposition: Adopted.

- 1648 Accept completion of the NE 94th and Broadway and NE 87th and Broadway Wastewater Pumping Station and make final payment (Report; Contract No. 24980)

Disposition: Adopted.

- * 1649 Call for bids for the Columbia Boulevard Wastewater Treatment Plant crossover conveyor system, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163513. (Y-4)

- * 1650 Accept two sewer easements for the Englewood sanitary sewer system project, granted by Ruth A. Love and Walter Robinson, Jr. and Kaye Robinson, authorizing total payment of \$1,200 (Ordinance; C-9700)

Disposition: Ordinance No. 163514. (Y-4)

- * 1651 Amend contract with Murray, Smith and Associates for the Royal Highlands Sewer Facilities Plan to allow for a final payment for extra work performed at additional cost of \$3,998 (Ordinance)

Disposition: Ordinance No. 163515. (Y-4)

- * 1652 Amend Contract No. 25513 between the City of Portland and Christensen Controls, Inc., to increase contract amount, accept Certificate of Completion, transfer funds and authorize final payment (Ordinance)

Disposition: Ordinance No. 163516. (Y-4)

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Commissioner Dick Bogle

- * 1653 Amend contract with the State Board of Higher Education for and on behalf of University Hospital of the Oregon Health Sciences University for physician/advisor and occupational health coordinator services for the City of Portland, increasing the annual fee to \$102,700 (Ordinance)

Disposition: Ordinance No. 163517. (Y-4)

Commissioner Bob Koch

- * 1654 Authorize an agreement with N.W. Speciality Services, Inc., amending Contract No. 24648 to adjust monthly payments, and increasing the annual payment by \$828 to reflect cost-of-living increase (Ordinance)

Disposition: Ordinance No. 163518. (Y-4)

- * 1655 Increase the annual payment with Varsity Contractors, Inc., by \$276 to reflect the required cost-of-living increase (Ordinance; Amend Contract No. 24874)

Disposition: Ordinance No. 163519. (Y-4)

- * 1656 Increase the annual payment with Varsity Contractors, Inc., by \$120 to reflect the required cost-of-living increase (Ordinance; Amend Contract No. 24892)

Disposition: Ordinance No. 163520. (Y-4)

- * 1657 Declare surplus property located near S.E. McLoughlin and S.E. Tacoma and authorize sale (Ordinance)

Disposition: Ordinance No. 163521. (Y-4)

- * 1658 Call for bids to furnish and install Voice Mail equipment for the Bureau of General Services, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163522. (Y-4)

Commissioner Mike Lindberg

- 1659 Accept contract with S & L Landscaping for construction of irrigation system at Buckman Field as complete and authorize final payment of \$8,234.98 (Report; Contract 26397)

Disposition: Adopted.

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- * 1660 Contract with Ann Mason for administration and management of the cultural plan process and provide for payment (Ordinance)

Disposition: Ordinance No. 163523. (Y-4)

- * 1661 Accept a perpetual water facility easement for water service on Port of Portland property near N. Lagoon Avenue and N. Port Center Way (Ordinance)

Disposition: Ordinance No. 163524. (Y-4)

- * 1662 Grant a revocable permit to Portland Public School District No. 1 (Ordinance)

Disposition: Ordinance No. 163525. (Y-4)

- * 1663 Authorize Agreement with Portland Community College for use of the Sylvania campus aquatic facilities by the Park Bureau Aquatic Section commencing September 22, 1990, through August 9, 1991 (Ordinance)

Disposition: Ordinance No. 163526. (Y-4)

- * 1664 Authorize an Agreement with Favor Productions, Inc., for use of the Pittock Mansion and Pittock Acres Park as background for use in a motion picture (Ordinance)

Disposition: Ordinance No. 163527. (Y-4)

REGULAR AGENDA

- * 1638 Pay claim of Glen Lamb (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said a substitute ordinance had been filed. Commissioner Koch moved the substitute and on a second by Commissioner Bogle, the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 163528. (Y-4)

Commissioner Lindberg said there are six new appointees to the Metropolitan Arts Commission effective this July and introduced three of the members present in Council.

- 1665 Consider vacating N Webster Street between N Delaware Avenue and N Greeley Avenue at the request of Kaiser Permanente Medical Care Program (Hearing; C-9727)

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Discussion: The Clerk announced that letters have been filed by the Port of Portland and the Oregon Department of Transportation stating they have no objection.

Disposition: Adopted (Y-5); City Engineer prepare ordinance.

- 1666 Purchase fifty-five Police patrol sedans under State Price Agreement for \$767,305 (Purchasing Report - Bid 16)

Disposition: Adopted (Y-5); prepare contract.

Mayor J. E. Bud Clark

- 1667 Results of sale of General Obligation Water Bonds, Series 1990, in an amount of \$18,000,000 (Report)

Discussion: The Clerk said this needed to be continued to next week.

Disposition: Continued to October 10, 1990, at 2:00 p.m.

- * 1668 Accept a grant of \$38,822 from the State of Oregon Criminal Justice Services Division to provide drug resistance training to youth through the Police Activities League (Ordinance)

Discussion: Lt. Bruce Prunk, Police Bureau, said one aspect of the Community Policing package passed by Council last year was the involvement of the Police Activities League, which has since undertaken a program

that now involves more than 1,000 young people. He said this grant will allow them to incorporate a drug and alcohol training component as part of their activities and enable the Police to be more proactive in trying to reach young people before they have an opportunity to get involved with street drugs or with gangs.

Mayor Clark said this is one of the successes that has come out of community policing.

Disposition: Ordinance No. 163529. (Y-5)

Commissioner Earl Blumenauer

- 1669 Accept Petition and adopt Resolution to improve N Depauw Street from N Van Houten Avenue to N Portsmouth Avenue (Report; C-9750)

Disposition: Adopted. (Y-5)

- 1670 Direct the City Engineer to prepare plans, specifications and cost estimates for the improvement of N Depauw Street from the centerline of N Van Houten Avenue to the centerline of N Portsmouth Avenue (Resolution; C-9750)

Disposition: Resolution No. 34774. (Y-5)

- 1671 Amend the Comprehensive Plan by adopting a new Housing Policy 4.9, "Vacant and Abandoned Housing and Community Revitalization" (Second Reading Agenda 1618)

Disposition: Ordinance No. 163530. (Y-5)

- * 1672 Appoint an Engineer at a rate higher than entry (Ordinance)

Discussion: Commissioner Blumenauer asked that this be referred back to his office.

Disposition: Referred to Commissioner of Public Works.

- 1631 **TIME CERTAIN: 10:00 AM** - Report of Portland/Multnomah Commission on Aging (Report introduced by Mayor Clark)

Discussion: Marian Sarles, Vice Chair of the Commission on Aging, reported on some of the issues that emerged at forums, attended by 450 persons, held at the county level prior to the Governor's Conference on Aging. She said the top issue in Multnomah County is universal access to health care.

David Berger, Commission on Aging member, spoke of his involvement in the Community Policing program and of his great respect for the high caliber and integrity of the people involved.

Channing Briggs, Commission Chair, described some of the activities and successes of Aging Commission ad hoc committees on minorities and housing. He said the Commission has been nationally recognized for its program to inform people about SSI eligibility.

Commissioner Blumenauer said he was struck by the intergovernmental emphasis of the Commission.

Disposition: Placed on file.

At 10:30 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF OCTOBER, 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, Chief Deputy City Attorney; and Officer Gary Taylor, Sergeant at Arms.

1673 TIME CERTAIN: 2:00 PM - Appeal of Reed Neighborhood Assn. against Hearings Officer approval of zone change R7 to R5 on house at 5016 SE 33rd (Hearing; 8000)

Discussion: Jessica Richman, Planning Bureau, said this is an appeal from a Hearings Officer decision to approve a zone change to allow expansion of an existing house for use as an adult foster care home. She said the Hearings Officer found there was no impact on services and approved the application with conditions calling for screening and a street waiver.

Ms. Richman said the neighborhood association contends that sewer and water services are inadequate and that the R5 designation is incorrect and the property should be zoned R7. They also maintain that a variance would be more appropriate.

Charles Farmer, Vice President, Reed Neighborhood Association, noted that they have filed comments from more than 100 persons opposed to granting the zone change. He said they are worried about the proliferation of adult foster homes in the neighborhood, particularly those that are not in character with existing homes. Mr. Farmer maintained that there was no demonstration of need for the zone change and requested reconsideration of the R5 designation for their area.

Commissioner Lindberg asked if there is any limit on the number of adult foster care homes that can operate in a given area and if the City has any legal right to prohibit one based on the number already there.

Ms. Richman said there was no limit if the home has five or fewer clients and state legislation has made it clear such facilities are to be treated as single family residences in order to allow seniors to remain in their own neighborhoods.

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John Baldino, 5136 SE 36th, said the R5 designation for that area was a mistake to begin with and recommended a revision to R7 without the current R5 projection. He said the Hearings Officer decision had been made solely on the basis of that projection. He also asked that site review be restored as a way of ensuring that the environmental quality of a neighborhood is sustained.

Judith Lupu, 1890 N.E. Beech, Gresham, represented the applicant, Maria Paven. She said before they bought the house they asked City Hall if it was all right to build the addition and were told it was. Then, when the addition was started, they were told they could not continue. She said a second story would not work because of the difficulty stairs would present for her elderly grandmother.

Clifford Ackley, 5015 SE 35th, said the sewer system in the area is not adequate to serve the increased density the zone change will allow. He said there have been many instances of flooded basements during heavy rains.

Virginia Ryer, 5325 SE 34th, said the applicant has not yet been licensed to operate a care facility and asked Council not to grant a zone change before it was known that Ms. Paven qualified. She objected to the oversaturation of health care homes in the area which will strain the old utility system.

Susan Schandel, 3516 SE Raymond, said granting this zone change will set a precedent that will adversely affect the density of the neighborhood and said the Reedwood Neighborhood plans to request an amendment to the 1980 Comprehensive Plan to keep the area R7.

Elaine Galick, 5107 SE 36th, said the zone change threatens the present character of the Reedway area.

Mr. Farmer stressed that the neighborhood is not opposed to an adult foster care home or to the addition of a second story to Ms. Paven's home, but do oppose the precedent set by granting the zone change and disagree with the Comprehensive Plan R5 designation for areas now zoned R7.

The Mayor asked the City Attorney if Council has a choice and if granting the zone change does set a precedent.

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Pete Kasting, Chief Deputy City Attorney, said the fact that the applicant wants to build an adult care facility is not relevant. Council cannot make the zoning more restrictive than is called for and because the area has an R5 designation it is in compliance with the Comprehensive Plan and the only issue for Council is the adequacy of services.

Mayor Clark asked what options are available to the neighborhood.

Mr. Kasting said they can request reconsideration of the Comprehensive Plan designation. The precedent set by approval of the zone change grows out of the fact that this implies the services have been found to be adequate.

Commissioner Blumenauer said to deal with the density issue, the neighborhood must request a change in the Comprehensive Plan from the Planning Commission. He said he believes in this case he has no choice but to affirm the Hearings Officer because any other decision would lose on appeal.

Commissioner Lindberg asked if there were any plans to correct the sewer backup problem in this area.

Bill Beckler, Environmental Services, said the area has been identified in the Capital Improvement project but has not been funded in the current year.

Commissioner Blumenauer asked if the problem of sewer backup would be appreciably affected by which five people live in the house.

Mr. Beckler said they do not differentiate between residents in a single family home and that in this case the overall impact will be negligible.

Commissioner Lindberg asked if there was a point at which going from R7 to R5 would create a capacity problem in the area.

Mr. Beckler said yes, and that if any vacant lots in the area were developed they would attempt to limit water runoffs on those lots to their current level and not allow additional flows into the system.

Mr. Kasting said if Council upheld the Hearings Officer's decision, it could take a final vote using the Hearings Officer's report as its findings.

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The Clerk said a no vote denies the appeal and upholds the Hearings Officer's decision.

Commissioner Blumenauer said the basic question is whether the zone change request is in compliance with the Comprehensive Plan and the answer is yes and so there is no choice but to deny the appeal.

Commissioner Koch said Council can not make arbitrary decisions based on how someone feels about a particular use of a property, if that use is permitted by law.

Commissioner Lindberg said Council has no choice in this case but encouraged the neighborhood to go to the Planning Commission for review of the zoning designation for the entire area.

Mayor Clark said the only way the neighborhood can preserve the density is by pursuing a legislative change.

Disposition: Appeal denied. (N-5)

REGULAR AGENDA

- 1674 Appeal of Temple Beth Israel against Conditions C, D and E, imposed by Hearings Officer for the expansion of Temple Beth Israel (Hearing; CU 42-90)

Discussion: Edgar Waehrer, Planning Bureau, said the Northwest District Association (sic) appealed the decision based on three conditions imposed by the Hearings Officer. He said NWDA, which had requested the conditions, notified Council in a letter dated September 30, that they would not continue to press for retention of those conditions. He said the letter refers to the legal enforcability of those conditions and that Mr. Kasting can elaborate on the discussions that went on between NWDA and attorneys for the Temple. He said no NWDA representative was present in Council and that they would simply let the letter stand for itself.

Commissioner Blumenauer moved to accept the withdrawal of Conditions C, D and E imposed by the Hearings Officer. Commissioner Bogle seconded.

Mr. Kasting said there was no need to prepare revised findings. He clarified that it was Temple Beth Israel, not NWDA, that filed the appeal, adding that the party that had concerns about it was Northwest District Association which has now withdrawn its opposition.

Disposition: Appeal granted (Y-5)

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The Mayor called for Suspension of the Rules in order to consider a prior Council matter.

The Clerk said the Suspension was needed to bring back to Council the scheduling of the Columbia South Shore Management Plan.

Commissioner Blumenauer moved Suspension of the Rules. On a second by Koch, the motion carried. (Y-5)

The Clerk said the October 11, 1990 date set by Council last week would not allow sufficient time for public notification and the hearing needed to be rescheduled to another date. She said October 18 at 2 p.m. had been proposed.

The Mayor said he would be out of town but was anxious that it be passed. Council members indicated that there were areas of controversy that might result in split votes and discussed whether it would be best to wait until all five Council members could be present.

Commissioner Blumenauer urged that this be heard as soon as possible because a federal permit is hanging in the balance. He suggested that Council proceed on October 18 and work through as many of the amendments as it can.

The Mayor said he would review all the amendments in advance and let Council members know where he stands.

Council agreed to set the hearing on adoption of the Columbia South Shore Management Plan for October 18 at 2:00 p.m.

At 3:05 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF OCTOBER, 1990 AT 2:00 P.M.

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

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

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

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- * 1675 Grant a revocable permit to the Oregon Board of Higher Education for stairs, retaining walls and illumination adjacent to the Nursing School in SW US Veterans Hospital Road and SW Gaines Street (Ordinance)

Disposition: Ordinance No. 163531. (Y-4)

- * 1676 Revocable permit to Providence Medical Foundation to maintain banners on street light poles from November 2 to December 2, 1990 (Ordinance)

Disposition: Ordinance No. 163532. (Y-4)

- * 1677 Revocable permit to Oregon Ballet Theatre to maintain banners on street light poles from November 15 to December 15, 1990 (Ordinance)

Disposition: Ordinance No. 163533. (Y-4)

Commissioner Dick Bogle

- * 1678 Authorize the use of helicopters in the City for Fire Bureau training programs (Ordinance; Amend Chapter 31.10)

Disposition: Ordinance No. 163534. (Y-4)

REGULAR AGENDA

Commissioner Dick Bogle

- 1679 Provide minimum standards for the regulation of floating structures (Second Reading Agenda 1626)

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Discussion: The Mayor said we had the most wonderful group of people speaking in favor of this last week and it was really gratifying to see people who had been poles apart come together on this.

Disposition: Ordinance No. 163535 as amended. (Y-4)

- * 1680 Clarify provisions relating to the definition of Secondhand Dealers (Ordinance; Amend Chapter 14.37)

Discussion: Gary McGrew, License Bureau, said he had a presentation if Council wished to hear it.

Commissioner Koch said administratively everything looked good to him.

Commissioner Bogle said this is necessary to complete what we started off to do.

Disposition: Ordinance No. 163536. (Y-5)

- 1681 Liquor license application for Marc Frankel, dba Pizzicato, 1749 SW Skyline Blvd., new outlet, Package Store license; Favorable recommendation (Report)

Discussion: Mayor Clark asked if anyone wished to speak in opposition to this license. No one responded.

Disposition: Favorably recommended. (Y-5)

At 3:05 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council