



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF SEPTEMBER, 1990 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Larry Robb, Acting Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Mark Chamberlin, Sergeant at Arms.

Agenda Nos. 1515 and 1539 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1514 Cash and Investment Balances for August 02, 1990 through August 29, 1990 (Report; Treasurer)

**Disposition:** Adopted.

**Mayor J. E. Bud Clark**

- 1516 Confirm reappointments of Thomas Hacker, Harriet Sherburne and Wayne Stewart to the Portland Design Commission (Report)

**Disposition:** Adopted.

- \* 1517 Agreement to sell petroleum products and telephone use to School District #1 (Ordinance)

**Disposition:** Ordinance No. 163445. (Y-4)

- \* 1518 Enter into a consultant contract to prepare Public Facilities Plans for the Bureaus of General Services, Fire, Parks and Recreation and Police (Ordinance)

**Disposition:** Ordinance No. 163446. (Y-4)

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- \* 1519 Amend agreement No. 26240 with Multnomah County for the Civic Action Teams program by increasing the amount by \$25,000 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163447. (Y-4)

- \* 1520 Create one (1) position and establish salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

**Disposition:** Ordinance No. 163448. (Y-4)

**Commissioner Earl Blumenauer**

- 1521 Accept completion of contract with Fuiten Plumbing and Heating Company for return sludge pipeline and pay retainage. (Report; Contract 24827)

**Disposition:** Adopted.

- 1522 Accept completion of contract with Christenson Controls, Inc., for automatic sampler installation and pay retainage (Report; Contract 25621)

**Disposition:** Adopted.

- \* 1523 Accept a street deed for the future widening of NE 152nd Avenue south of NE Beech Street, granted by Merlyn L. Troska and Betty J. Troska (Ordinance)

**Disposition:** Ordinance No. 163449. (Y-4)

- \* 1524 Accept three street deeds for an identical parcel of land for the future widening of NE 145th Place, granted by Aldo Rossi, TFT Development Co. and Security Pacific Bank Oregon (Ordinance)

**Disposition:** Ordinance No. 163450. (Y-4)

- \* 1525 Authorize application for a \$1,670 grant from the State of Oregon Traffic Safety Commission, on behalf of the Portland Traffic Safety Commission, to promote traffic safety education (Ordinance)

**Disposition:** Ordinance No. 163451. (Y-4)

- \* 1526 Accept four sewer easements for the SW Knightsbridge Drive and SW Orchid Street sewer project, granted by Homer A. and Betty J. Wolfington, William J. Ridge and Ronald W. and Jean A. Harriman, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 163452. (Y-4)

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- \* 1527      Accept two sewer easements for an identical parcel of land for the NE Fazio Way at NE 13th Avenue sewer project, granted by Betty Axon Merritt and Everett T. Merritt, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163453. (Y-4)
- \* 1528      Accept a sewer easement for NE Fazio Way at NE 13th Avenue sewer project, granted by Viking Freight, Inc., at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163454. (Y-4)
- \* 1529      Accept a sewer easement for the NE Rocky Butte Road sewer project, granted by Lowell D. Patterson, at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163455. (Y-4)
- \* 1530      Release sewer easements in connection with the SW Dosch Road west of Sunset Boulevard sewer project to St. Andrews Presbyterian Church, (USA) (Ordinance)
- Disposition:** Ordinance No. 163456. (Y-4)
- \* 1531      Accept a sewer easement for the Fanno Creek pressure sewer replacement sewer project, granted by Shoaib Tareen, authorizing total payment of \$2,000 (Ordinance)
- Disposition:** Ordinance No. 163457. (Y-4)
- \* 1532      Authorize an agreement with Applied Geotechnology, Inc., to provide an environmental assessment, work plans, testing and monitoring of contaminated material in the public right-of-way (Ordinance - waives 5.68)
- Disposition:** Ordinance No. 163458. (Y-4)

**Commissioner Dick Bogle**

- 1533      Accept bid of All Pure Chemical Company for furnishing 12% sodium hypochlorite solution in tank cars for \$161,250 (Purchasing Report - Bid 1-A)
- Disposition:** Adopted; prepare contract.
- 1534      Reject the bid for 5540 NE Sandy Blvd. renovation (Purchasing Report - Bid 2)
- Disposition:** Bid Rejected.

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- 1535 Accept bid of Riedel International, Inc., for needle valve rehabilitation Bull Run Dam No. 1 for \$265,000 (Purchasing Report - Bid 7 )

**Disposition:** Adopted; prepare contract.

- 1536 Accept bid of Valley Gun Distributors, Inc., for furnishing four hundred glock 9mm pistols for \$126,184.80 (Purchasing Report - Bid No. 11)

**Disposition:** Adopted; prepare contract.

- 1537 Accept bid of Portland Motorcycle Co., Inc., for furnishing police motorcycles for \$46,830 (Purchasing Report - Bid 17)

**Disposition:** Adopted; prepare contract.

- 1538 Accept bid of Parker-Northwest Paving Company for improvement of SW Coronado St. from SW 43rd Ave. to SW 45th Ave. and construction of a storm sewer for \$85,784.65. (Purchasing Report - Bid C-9723)

**Disposition:** Adopted; prepare contract.

**Commissioner Mike Lindberg**

- \* 1540 Authorize an application to the Oregon Arts Commission for a grant in the amount of \$12,500 (Ordinance)

**Disposition:** Ordinance No. 163459. (Y-4)

- \* 1541 Authorize an application to the Oregon Arts Commission for a grant in the amount of \$10,000 (Ordinance)

**Disposition:** Ordinance No. 163460. (Y-4)

**City Auditor Barbara Clark**

- \* 1542 Call for bids for a Local Area Network, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163461. (Y-4)

**REGULAR AGENDA**

- 1515 Report results of sale of Special Assessment Improvement Bonds, Series 1990, in an amount not more than \$3,000,000 (Report)

**Discussion:** Larry Robb, Acting Clerk of the Council, said a substitute had been filed. Commissioner Koch moved the substitute and on a second by Commissioner Bogle, the motion carried. (Y-4)

**Disposition:** Adopted.

**Commissioner Bob Koch**

- \* 1539 Declare surplus property located near SE McLoughlin and SE Tacoma and authorize sale (Ordinance)

**Discussion:** Commissioner Koch said the Bureau of General Services indicates there is a technical error and asks that it be referred back to his office.

**Disposition:** Referred to Public Utilities.

**Mayor J. E. Bud Clark**

- 1543 Recommend approval of Phase 5 double majority annexation intent areas (Report)

**Discussion:** Mayor Clark asked if anyone wished to testify. No one responded.

**Disposition:** Adopted.

- 1544 Authorize filing double majority annexation intent maps and written descriptions with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

**Disposition:** Resolution No. 34768. (Y-4)

- 1545 Approve of certain amended Personnel Rules concerning recruitment and employment incentives for key non-represented management, professional and technical positions (Resolution)

**Discussion:** Commissioner Bogle asked when this would go into effect.

The Mayor said we already passed the ordinance to say this should happen and this brings those rules forward in legal language.

**Disposition:** Resolution No. 34769. (Y-4)

**Commissioner Earl Blumenauer**

- \* 1546 Call for bids for the SE Ash Street, SE 24th Avenue to SE 22nd Avenue, sewer replacement project, authorize a contract and provide for payment (Ordinance)

**Discussion:** Mr. Robb said the Bureau of Transportation has asked that this be referred back to Public Works. The Mayor so ordered.

**Disposition:** Referred to Public Works.

**Commissioner Mike Lindberg**

- \* 1547 Accepts and appropriates funds for construction of a water control structure at Oaks Bottom Wildlife Refuge (Ordinance)

**Discussion:** Commissioner Lindberg said this is a reflection of a master planning effort involving a lot of different groups. He said it will increase the open water habitat at Oaks Bottom from around thirty to eighty acres, most of which will be flooded year round for mosquito control habitat development. He said he believes this is a good example of how we can forge partnerships with other organizations to get projects done.

Mayor Clark said it amazed him how they brought this all together and shows what you can do to leverage support.

**Disposition:** Ordinance No. 163462. (Y-4)

**City Auditor Barbara Clark**

- 1548 Assess property for sewer system development charges for the period ending September 7, 1990 (Hearing; Ordinance; Z-0120, Z-0122, Z-0124, Z-0125, Z-0127)

**Disposition:** Mayor Clark asked if anyone wished to speak. No one responded.

**Disposition:** Passed to second reading.

At 10:15 a.m., Council adjourned.

SEPTEMBER 12, 1990

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

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

OFFICERS IN ATTENDANCE: Larry Robb, Acting Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

**1549 TIME CERTAIN: 2:00 PM - Appeal of Pacific Rim Investors, applicant, against Condition "A" and "C" imposed in approving application for a parking structure at SW Third and SW Barbur, and Corbett-Terwilliger-Lair Hill Neighborhood Association against Design Commission's failure to properly process this application (Previous Agenda 1488)**

**Discussion:** Edgar Waehrer, Planning, said another part of this Superblock case has been appealed and asked that the first part of the appeal, that part exclusive of the landscaping, be joined together with the landscaping appeal so that the entire Superblock case be heard on October 17.

Mr. Kasting said he believes this a reasonable suggestion. He said, to further complicate the issue, the attorney for the applicant has asked that the appeal of the landscaping issue be dismissed because it failed to comply with certain technical Code requirements. He said if Council decided to dismiss the landscaping appeal on this basis, that part of the appeal would become moot and Council would no longer need to combine the two appeals into one.

However, Mr. Kasting added, if Council wanted to provide all parties the opportunity to discuss the merits of that request rather than tossing it out because of procedural defects, then he recommends that the current hearing be delayed so that the landscaping appeal can catch up to it.

Commissioner Koch asked if the City Attorney had a recommendation regarding the procedural aspects of the dismissal request.

Mr. Kasting said based on his review of the materials submitted from appellant, it looks as though there are at least two technical deficiencies in the notice of appeal. However, it is also his opinion that there is nothing in the Code that makes these procedural defects jurisdictional and Council could, if it chose, waive those defects and accept the appeal.

Commissioner Koch said he thought the other side should have an opportunity to submit information and then bring everything forward for consideration at one time.

Mr. Kasting said he would feel uncomfortable making a recommendation after hearing from only one side.

Commissioner Lindberg said he would like to do that and also told Mr. Waehrer that he would like the traffic issue, specifically the Bureau of Transportation's study on the impact of the number of cars in the parking structure, discussed at the next hearing.

Mr. Waehrer said he would be glad to arrange this.

Mr. Kasting asked if a representative of the applicant was present and had any objection to delaying the hearing so the two appeals can be combined.

Vern Rifer, 2525 SW 1st, representing Pacific Rim Investors, said they believe they are being held up in constructing a permitted use by procedural issues and that they have done everything they think is appropriate to comply with the Code. He said last Spring they decided, even though they felt they had an entirely permissible use, to go through a Type III procedure to try to reduce the risk of there being any procedural questions.

Mr. Rifer said the landscaping is under construction now under a Consent Order with the Bureau of Buildings and will be fully installed by the time Council reviews it in October. He asked to be allowed to proceed on the structure, which is unrelated to the landscaping, as soon as possible.

Commissioner Koch said there is no possible way Pacific Rim can finalize the landscaping plan prior to construction and asked Mr. Waehrer if Pacific Rim has the authority to do what they want to do, no matter what Council does.



Mr. Waehrer said the issue becomes very complicated because their earlier surface parking lot proposal went through LUBA and so there is an active plan that includes that particular landscaping. He said even though technically they would not be permitted to install the landscaping in conjunction with the parking structure before the appeals process has been exhausted, they are permitted to move forward with the landscaping that was a part of the earlier surface parking lot case.

Commissioner Koch asked if it could be different from the final landscaping plan for the addition to the parking structure.

Mr. Waehrer said it could be different if Council changes the landscape plan approved by the Design Commission. He said Commissioner Koch was correct in that they can not legitimately install all of the landscaping because they can not build the building if they have landscaping immediately adjacent to walls that are to be built in the future.

Mr. Rifer said they have signed an agreement with the Bureau of Buildings that requires them to install the landscaping outside the footprint of the building by November 1. He added that this is the bulk of the landscaping that is being discussed here.

Mr. Rifer said in their mind the landscaping issue is unrelated to the matter of whether the structure is a permitted use. He said if Council came back and later changed the landscape requirements, they will comply with them. He asked Council not to delay approval of the superblock structure for another month simply because of a procedural matter on landscaping.

In response to Commissioner Lindberg's question about why a month's delay was necessary, Mr. Kasting said it was needed to give time for public notification of the landscaping appeal.

Commissioner Koch said Council would have done it sooner if Pacific Rim had not objected to the appeal of the landscaping design.

Mr. Rifer said the appeal was from the neighborhood association. He said their attorney contends the appeal was not properly filed and asked for dismissal.

Mr. Kasting said the Council could, if it had three votes, decide to dismiss the appeal. He noted two problems with such an action. First, Council heard only from one side and, second, if action were taken to dismiss the landscaping appeal, that in itself becomes a final land use decision which is appealable to LUBA. Thus, he explained, the landscaping appeal could go straight from today's hearing to LUBA and then they would go forward with the balance of the appeal and that would become a second land-use decision.

Mr. Kasting said the process got complicated because the two parts got split out at the Design Commission level; a lot of the complications can be eliminated if the two pieces can be joined. To do that Council has to delay this appeal to allow the landscaping appeal to catch up to it.

Commissioner Bogle moved to delay this matter until October 17. Commissioner Lindberg seconded. (Y-3)

**Disposition:** Continued to October 17, 1990.

At 2:30, Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF SEPTEMBER, 1990 AT 2:00 P.M.

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

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

Cay Kershner, Clerk of the Council, announced that because only three Council members were present, the emergency ordinances on the Consent Agenda would need to be continued.

#### CONSENT AGENDA

##### Commissioner Earl Blumenauer

- \* 1550 Revocable permit to City of Portland Bureau of Environmental Services for cathodic protection systems on the Inverness Wastewater Force Main in NE 11th at NE Baldwin and in NE Marx west of 87th (Ordinance)

**Disposition:** Continued to September 19, 1990, 9:30 AM

- \* 1551 Grant a revocable permit to Claudia Vines et al for a door opening across the sidewalk of SE Taylor Street and an emergency door opening into SE 1st Avenue right-of-way at 79 SE Taylor Street (Ordinance)

**Disposition:** Continued to September 19, 1990, 9:30 AM

- \* 1552 Revocable permit to Golden West for a private water vault at 309 SW 4th Avenue (Ordinance)

**Disposition:** Continued to September 19, 1990, 9:30 AM

#### REGULAR AGENDA

##### Commissioner Earl Blumenauer

- 1553 Adoption of a Natural Resource Management Plan for the Columbia South Shore area (Ordinance; Second Reading Previous Agenda 1373)

**Discussion:** Duncan Brown, Planning Bureau, requested a continuation to a time when Commissioner Blumenauer and Mayor Clark will be present. Council so ordered.

**Disposition:** Continued to September 27, 1990, 2 PM

##### Commissioner Dick Bogle

- 1554 Liquor license application for Gyong Ngo and Ninh Nguyen, dba Midway Division Market, 4760 SE Division Street, package store liquor license (new outlet) favorable recommendation with restrictions (Report)

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**Discussion:** John Werneken, License Bureau, said this location operated without a liquor license for a substantial period of time and during that time it become known as a gang hangout. He said the new owners met with neighbors and devised a good neighbor plan and that since that cooperative effort has occurred, no complaints have been received about these premises. He said, based on this, the License Bureau is asking Council for a favorable endorsement with a recommendation to the Oregon Liquor Control Commission that they consider incorporating the good neighbor plan, or appropriate parts of it, in the license.

In response to a question about the nature of the gang activity from Commissioner Bogle, Chuck Bolliger, Portland Police, noted the location of several gang houses nearby and said in this area it is mostly a graffiti problem and not a liquor problem.

Commissioner Bogle moved to accept the License Bureau recommendation. Commissioner Lindberg seconded the motion.

**Disposition:** Favorable recommendation with restrictions adopted (Y-3).

- 1555 Transmit appeal of denial of secondhand dealer permit for Bill Hight, dba B J's Emporium & Auction, 5205 SE Foster Road; recommend denial (Report)

**Discussion:** John Werneken, License Bureau, said the Bureau was recommending denial because of the applicant's numerous arrests and convictions for burglary and other offenses. He added that the Police Bureau believes the number of offenses indicates an established pattern of conduct.

Commissioner Bogle moved to accept the recommendation of the License Bureau and deny the appeal. Commissioner Lindberg seconded the motion.

**Disposition:** Appeal Denied. (Y-3)

At 2:15 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council