



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF JANUARY, 1991 AT 9:30 A.M.

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

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

- 99 TIME CERTAIN: 9:30 AM** - Formation of and appointments to the Portland Center for the Performing Arts Advisory Committee (Report introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg said the Advisory Committee had a broad range of responsibilities including oversight of management operations and audience development. He introduced committee members and the new Performing Arts Center Director, Robert Freedman.

Disposition: Placed on file.

Agenda No. 108 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 100** Accept bid of Pacific Water Works Supply and H.D. Fowler Company for furnishing CI/ductile iron pipe fittings for \$121,548 (Purchasing Report - Bid 54-A)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 101** Accept tile joint restoration and sealing work at The Portland Building and pay Diamaco, Inc. (Report; Contract 26264)

Disposition: Adopted.

- 102** Accept elevator enclosure work at Morrison Park East/Third and Alder garage and pay Robertson Hay & Wallace Contractors (Report; Contract 25735)

Disposition: Adopted.

*103 Pay claim of Katie Davis (Ordinance)

Disposition: Ordinance No. 163795. (Y-4)

*104 Pay claim of Doyle and Cynthia Johnson (Ordinance)

Disposition: Ordinance No. 163796. (Y-4)

Commissioner Earl Blumenauer

105 Set hearing date, 9:30 am, Wednesday, February 27, 1991, to vacate a portion of N Beech Street, N Kaiser Center Drive, N Montana Avenue and two alleys (Report; Petition C-9751)

Disposition: Adopted.

106 Approve Change Order No. 1, accept NE 47th Avenue over Columbia Slough Bridge replacement as complete and make final payment (Report; Contract No. 26285)

Disposition: Adopted.

107 Accept completion of the Cathedral Park outfall extension and make final payment (Report; Contract 26546)

Disposition: Adopted.

*109 Revocable permit to Portland Opera to maintain banners on street light poles from March 19, 1991 to April 21, 1991 (Ordinance)

Disposition: Ordinance No. 163797. (Y-4)

*110 Revocable permit to Kell's Restaurant and Pub in behalf of the Business Youth exchange to maintain banners on street light poles from February 24th to March 18, 1991 (Ordinance)

Disposition: Ordinance No. 163798. (Y-4))

*111 Accept four sewer easements for an identical parcel of land for the SE 145th Avenue north of SE Powell Boulevard sewer project, granted by David W. Maunu, Carol M. Maunu, Paul J. Richter, Wayne G. O'Reilly, Barbara E. O'Reilly, and Howard L. McCulloch, at no cost to the City (Ordinance)

Disposition: Ordinance No. 163799. (Y-4)

*112 Accept three sewer easements for the Linn Park (#39) sanitary sewer project, granted by Kurt K. and Elizabeth Grobe, Connie M. Unverrich and Gary R. Erickson, Edward W. Brown and Consuelo C. Brown, and pay \$1,125 (Ordinance)

Disposition: Ordinance No. 163800. (Y-4)

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- *113** Accept three temporary construction easements for the Linn Park (#39) sanitary sewer project, granted by Gerald S. Hoff and Vickie L. Hoff, Robert C. Fredeen and Darlene F. Fredeen, and Laura L. Rigley, and pay \$300 (Ordinance)

Disposition: Ordinance No. 163801. (Y-4)

- *114** Accept a temporary construction easement for the Linn Park (#39) sanitary sewer project, granted by Arthur James Dement and Lillian Ruby Dement, authorizing total payment of \$101 (Ordinance)

Disposition: Ordinance No. 163802. (Y-4)

- *115** Continue negotiations to purchase a permanent sewer easement and a temporary construction easement for construction of the Linn Park (#39) sanitary sewer project, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 163803. (Y-4)

- *116** Accept two sewer easements to construct Fanno Creek Pressure sewer replacement project, granted by Anita C. Birkland, and Carl H. Cadonau and Anita C. Birkland, as Successor-Trustees, and pay \$2,400 (Ordinance)

Disposition: Ordinance No. 163804. (Y-4)

- *117** Accept a sewer easement for the Fanno Creek pressure sewer replacement project, granted by Alliance Corporation, and pay \$500 (Ordinance)

Disposition: Ordinance No. 163805. (Y-4)

- *118** Release a sewer easement in connection with the SW Vermont Street east of SW 25th Avenue sewer project (Ordinance)

Disposition: Ordinance No. 163806. (Y-4)

- *119** Release the City's interest to David H. Slagle, Margaret A. Slagle, John J. May and Judy May, in an certain sewer easement in Galeburn Place, Multnomah County, Oregon (Ordinance)

Disposition: Ordinance No. 163807. (Y-4)

- *120** Amend Agreement No. 23663, dated January 30, 1987, with the Portland Development Commission (PDC), Northwest Natural Gas Company (NNG), Pacific Square Associates (Associates), and Hayden Corporation (Hayden) for funding participation in the Everett Street Extension and Vintage Trolley projects (Ordinance)

Disposition: Ordinance No. 163808. (Y-4)

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- *121** Amend Agreement No. 23848, dated May 8, 1987, with the Tri-County Metropolitan Transportation District (Tri-Met) and the Exposition-Recreation Commission (ERC) for establishing, managing and funding a Vintage Trolley Operation Trust Fund (Trust Fund) (Ordinance)

Disposition: Ordinance No. 163809. (Y-4)

- *122** Authorize Purchasing Agent to sign a Purchase Order as a contract with Photo & Sound Company for eight personal computers and support equipment for \$44,224 and provide for payment (Ordinance)

Disposition: Ordinance No. 163810. (Y-4)

- *123** Call for bids for the Columbia Boulevard Wastewater Treatment Plant compost sludge bin outfeed modification, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163811. (Y-4)

Commissioner Gretchen Kafoury

- *124** Contract with the Portland Development Commission for the Northeast Workforce Center project in the amount of \$45,000 (Ordinance)

Disposition: Ordinance No. 163812. (Y-4)

Commissioner Mike Lindberg

- *125** Authorize the Mayor to apply for a grant from the Burlington Northern Foundation for \$22,500 for a children's play area in Waterfront Park (Ordinance)

Disposition: Ordinance No. 163813. (Y-4)

- *126** Authorize agreement with Woodward-Clyde Consultants in the amount of \$32,000 for the preparation of facility inspections and safety reports on the City's two Bull Run dams (Ordinance)

Disposition: Ordinance No. 163814. (Y-4)

- *127** Waive City Building Code to allow a gravel parking lot at +/-5011 SE Milwaukie Avenue (Ordinance)

Disposition: Ordinance No. 163815. (Y-4)

REGULAR AGENDA

- 108** Direct the City Engineer to prepare plans, specifications and cost estimates for NW 13th Avenue from NW Davis Street to NW Johnson Street (Resolution)

Discussion: The Clerk advised that items concerning assessments should be on the regular agenda.

Commissioner Bogle asked if anyone wished to speak. No one responded.

Disposition: Resolution No. 34804. (Y-4)

Mayor J. E. Bud Clark

- 128 Acknowledge and support the Union Station Task Force and Rail Transportation Committee and direct that they report back to City Council with recommendations (Resolution)

Disposition: Resolution No. 34805. (Y-4)

Commissioner Earl Blumenauer

- 129 A status report on the past accomplishments and current work activities of the Bureau of Planning (Report)

Discussion: Commissioner Blumenauer said the assignment of the Planning Bureau to Commissioner Kafoury provided an opportunity to reflect on the Bureau's work over the last four years. He said planning is the business of every Council member, noting the significant amount of time planning issues have taken. He complimented Council on the consistency of its decisions. He warned that, if the Bureau is to do its job, the resources to do so must be in place and called for creation of an inter-bureau planning group.

Commissioner Blumenauer said procedures governing the conduct of our land use hearings still need to be developed and streamlined so that the process is clear to all. He also suggested holding more joint meetings with other groups on land use issues of mutual concern. He observed that land use issues arouse more emotion and passion than anything else that comes before Council and said it would be nice to be able to channel this to solve problems instead of causing them.

Commissioner Lindberg asked about the percentage of appeals that are overturned.

Commissioner Blumenauer said the Hearings Officer's report for the last three years shows that very few reversals have occurred. He said when they do occur, Council has been exceedingly careful to craft its reasons for reversing the earlier decisions.

Commissioner Lindberg complimented Commissioner Blumenauer and Planning staff for their efforts and noted increased Council involvement on regional issues.

Commissioner Kafoury noted Governor Roberts' recent encouraging statement of support for the land use planning system.

Disposition: Placed on file.

- 130 Consider vacating a certain portion of NE Hoyt Street between NE 49th and NE 52nd at the request of Providence Medical Center (Hearing; C-9730)

Disposition: Adopted. City Engineer prepare ordinance.

- *131 Revise Chapter 17.34 of the City Code to meet federal pretreatment program requirements and to provide authority to the Director of Environmental Services to adopt administrative rules (Ordinance; amend Code Chapter 17.34)

Discussion: Commissioner Blumenauer said these Code revisions reflect City efforts to deal with problems raised with the industrial pretreatment program.

Bob Riecke, Bureau of Environmental Services, said this represents one year's work and brings our program into compliance with EPA requirements. Among its specific objectives are the protection of rivers from harmful discharges into the sewer system and the protection of employees from harmful exposure. He cited the effort made to ensure conformity of the Code revisions to federal definitions and requirements, and also noted an increase in the civil penalties from \$500 to \$5,000 per day.

Mr. Riecke said the new Code revisions were the result of an extensive public review process, and asked that the staff report and additional public comment be entered into the record.

Commissioner Blumenauer asked if anyone present wished to speak. No one responded.

Commissioner Lindberg said the fact that no one was present to speak on an issue this controversial pointed to the excellence of the process.

Disposition: Ordinance No. 163816. (Y-4)

- *132 Implement Hazardous Waste Remedial Action Surcharge needed to pay for remediation of site of old City incinerator (Ordinance; add Code Section 17.102.105)

Discussion: Commissioner Blumenauer said this ordinance implements remedial action on the old incinerator located at the Marathon site in Northwest Portland. He said the cost may reach \$1,500,000 before the process is complete and will cost the average homeowner about 13 cents per month.

Disposition: Ordinance No. 163817. (Y-4)

- 133 Assess property for sewer system development charges for the period ending October 31, 1990 (Hearing; Ordinance; Z0121, Z0123)

Disposition: Passed to second reading.

Commissioner Dick Bogle

- 134** Amend Taxicab Regulations relating to rates (Second Reading Agenda 94)

Discussion: Commissioner Lindberg, noting the lack of opposition to the fare increase, moved to add an emergency clause. Commissioner Blumenauer seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 163818 as amended. (Y-4)

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF JANUARY, 1991 AT 2:00 P.M.

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

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

- 135 Tentatively grant appeal of Renda Horn, Trustee for Margaret and Clyde Brummell, applicant, against Hearings Officer's denial of a conditional use for fill within 25 feet of a water feature at 2210 SE Lambert (Findings; CU 35-90)

Disposition: Continued to February 6, 1991 at 2:00 p.m.

Commissioner Dick Bogle

- 136 Liquor License application for Kim Won Woo, dba Union Market, 3837 NE Martin Luther King, Jr. Blvd., package store liquor license, change of owner; Favorable with conditions and letter of warning (Report)

Discussion: Henry Emrich, License Bureau, said because of persistent liquor-related problems and criminal activity in the area, both the License and Police Bureaus recommended approval of this application with a letter of warning and a restriction on the sale of wines with more than 13.8% alcohol. He said the area is being proposed as a liquor impact area and the goals of such an area are best served by a ban on the sale of fortified wines.

Commissioner Blumenauer said he would like to get this area under control and does not feel comfortable in allowing this operation there.

Commissioner Bogle said he would vote for it only because of the change of ownership and the condition.

Disposition: Favorably recommended. (Y-3; N-1, Blumenauer)

- 137 Liquor License application for Woo Kyung Sung, 5336 SW Beaverton Hillsdale Highway, package store, new outlet; Favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said there is no evidence of complaints or violations by the applicant or about the former Plaid Pantry outlet where the applicant intends to operate. He said both the License and Police Bureaus propose a favorable recommendation.

James Allen, real estate broker for Lewis and Clark College, spoke for the applicant. He said a Plaid Pantry had operated at the site for 12 years.

Those testifying against granting this application included:

Hazel Westgarth, 5220 SW Shattuck Road
Zina Svichkar, 5234 SW Boundary
Dale Bowers, 5316 SW Boundary

Opponents cited the presence of a nearby day care center, traffic congestion, and the existence of numerous other outlets in the area selling beer as reasons why this application does not merit a favorable recommendation.

Commissioner Blumenauer noted there was no record of any problems.

Disposition: Favorably recommended. (Y-4)

- 138 Liquor License application for Ron Chan, dba Cathay Food Market, 2858 N. Williams, package store, change of owner; Favorable with conditions and letter of warning (Report)

Discussion: Henry Emrich, License Bureau, said this store was located in an area where there was a problem with street drinkers, adding that he had found lots of fortified wine bottles all around the store. He said both the License and Police Bureaus believe the sale of fortified wines harms the neighborhood and they recommend that the application be granted only if the fortified wine sales are prohibited. In addition, they ask that the previous owner, Richard Low, be restricted from operating at this store.

Commissioner Bogle noted that the Council had recommended this to the OLCC back in 1986 but the OLCC did not agree. He asked Mr. Emrich what he thought would happen this time.

Mr. Ermich said they have more documentation now about the harmful impacts of fortified wines than they did in 1986.

Ron Chan, 4607 Lincoln Ave., Vancouver, Wn., the applicant, said he hoped eventually to turn this into a neighborhood store but that now he cannot take the financial risk that prohibition of fortified wine sales would impose. He said if that restriction is enforced, he will have to renegotiate his lease with the owner.

Commissioner Lindberg asked Mr. Chan if he did not see a problem in the fact that fortified wines were so economically necessary to his operation.

Mr. Chan said he would like to take the wines out but he cannot take the risk.

Commissioner Bogle called Mr. Chan's attention to the fact that the Bureau has made a favorable recommendation with a letter of warning. He noted that the applicant was lucky to get this, rather than an unfavorable recommendation, since his business goals seemed to be in opposition to neighborhood liveability goals. He recommended that Mr. Chan accept this if he wanted to be in business there at all.

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Mr. Chan said he would have to go back and renegotiate the terms of his lease.

Disposition: Unfavorably recommended. (N-4)

At 2:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

JANUARY 24, 1991

THURSDAY, 2:00 PM, January 24, 1991

Beginning Thursday, December 20, 1990, and continuing through January 31, 1991, the City Council will hold special sessions for the purpose of discussing the Budget. The meetings will be held Thursday afternoons from 1:30 to 4:30 pm in Council Chambers, 1220 SW 5th Avenue, Portland, Oregon 97204.

These meetings are planned as work sessions and no public testimony will be accepted unless otherwise directed by the Council.