



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF APRIL, 1991 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury 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 the week of April 21-27 as Ikebana Recognition Week.

Agenda No. 534 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

533 Accept bid of Eastman Kodak Co. for one commercial copier for \$111,000 (Purchasing Report - Bid 112)

Disposition: Adopted; prepare contract.

535 Accept bid of Albina Asphalt for emulsified asphalt for \$56,200 (Purchasing Report - Bid 124-A)

Disposition: Adopted; prepare contract.

536 Accept bid of Les Brown Excavating, Inc., for construction of Englewood sanitary sewer system Unit 3 for \$314,312 (Purchasing Report - Bid C-9700-3)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

***537** Pay claim of David C. Grigonis (Ordinance)

Disposition: Ordinance No. 164032. (Y-5)

***538** Pay claim of Curtis Doran (Ordinance)

Discussion: Ordinance No. 164033. (Y-5)

***539** Contract with Premier Consulting for programming services for the Office of Finance & Administration (Ordinance)

Disposition: Ordinance No. 164034. (Y-5)

***540** Call for bids to furnish light fixtures for SW 3rd and Alder and 10th and Yamhill parking garages for the Bureau of General Services, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164035. (Y-5)

***541** Authorize a modification to Agreement No. 26612 between the City of Portland and the Northwest Regional Educational Laboratory (Ordinance)

Disposition: Ordinance No. 164036. (Y-5)

***542** Authorize a contract with Eastman Kodak to furnish a Kodak 235 AF copier for the Printing & Distribution Division, Bureau of General Services and provide for payment (Ordinance)

Disposition: Ordinance No. 164037. (Y-5)

Commissioner Earl Blumenauer

543 Accept Final Certificate of Completion and approve Change Orders for the Luby/Strathmore sanitary sewer and provide for final payment (Report; C-9696)

Disposition: Adopted.

Commissioner Mike Lindberg

544 Approve Change Order No. 3 on contract with CH2M Hill for population and water use projections for rural Clackamas County (Report; Contract No. 26364)

Disposition: Approved.

545 Accept contract with System Construction Co. for installation of water main in SE Main Street as complete and authorize final payment (Report; Contract No. 26744)

Disposition: Adopted.

- *546** Call for bids and award a contract to maintain and operate City-owned decorative fountains and provide for payment (Ordinance)

Disposition: Ordinance No. 164038. (Y-5)

- *547** Call for bids to install pathway and roadway lighting in Columbia, Kenilworth, Laurelhurst, Peninsula, Pier, Powell, Washington and Woodlawn Parks, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164039. (Y-5)

- *548** Authorize an intergovernmental agreement with the Port of Portland to allow construction of a section of the 40 Mile Loop (Ordinance)

Disposition: Ordinance No. 164040. (Y-5)

REGULAR AGENDA

- 534** Accept bid of Sahlberg Construction Equipment for one pavement cold milling machine for \$252,600 (Purchasing Report - Bid 113)

Discussion: Cay Kershner, Clerk of the Council, said there had been a request to continue this item for two weeks.

Disposition: Continued to April 24, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

- *549** Establish new rates of compensation for classifications not represented in collective bargaining, establish effective dates and provide for payment (Ordinance)

Disposition: Ordinance No. 164041. (Y-5)

- *550** Establish new rates of compensation for the Fiscal Year beginning July 1, 1991 for certain classifications represented by the District Council of Trade Unions (DCTU), and Recreation Instructors, Local 483, establish effective dates and provide for payment (Ordinance)

Disposition: Ordinance No. 164042. (Y-5)

- *551** Authorize agreement with the Kenny Consulting Group, Inc., for classifications and compensation consulting services (Ordinance)

Disposition: Ordinance No. 164043. (Y-5)

Commissioner Earl Blumenauer

- 552** Consider vacating SE Sherrett Street between SE 67th and SE 70th Avenues, as initiated by Resolution No. 34821, to consolidate Harney Park property (Hearing; C-9760)

Discussion: The Clerk said letters from the Oregon Department of Transportation and the Port of Portland state they have no objections to this vacation.

Bill Robinson, Brentwood-Darlington Neighborhood Association Chair, said this is the last step in building Harney Park.

George Hudson, Parks Bureau, displayed and described the master plan for the proposed park.

Mayor Clark complimented the neighborhood for its work on this project and for getting rid of drug houses in the area.

Disposition: Approved; City Engineer prepare ordinance.

City Auditor Barbara Clark

- 553** Assess SE Reedway/57th HCD District Street improvement project and construction of sumps (Hearing; Ordinance; C-9673)

Disposition: Passed to Second Reading.

At this point, Commissioner Blumenauer left the meeting.

- *554** Create the SE 67th Avenue Local Improvement District and provide for constructing local streets and sumps (Hearing; Ordinance; C-9741)

Discussion: Dan Vizzini, Assessments Manager, said this is one of the first local improvement districts to be done under a new financing policy the City is currently developing in the wake of Ballot Measure No. 5. In anticipation of that new policy, he requested a minor change to directive E adding the language "in the event that additional financing costs are imposed on property owners." He said after the policy is adopted they will review this project to make sure it fits within the framework of the new guidelines.

Commissioner Bogle moved the amendment proposed by Mr. Vizzini. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 164044. (Y-4)

- *555** Create the N. Depauw Street Local Improvement District and provide for constructing local streets (Hearing; Ordinance; C-9750)

Discussion: Mr. Vizzini asked Council to amend this to add the same language as had been adopted in the prior ordinance. Commissioner Bogle moved the amendment. Commissioner Lindberg seconded and the motion carried. (Y-4)

Commissioner Bogle moved to overrule the remonstrance. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 164045. (Y-4)

- 556** Assess property for sidewalk maintenance through November 30, 1990 (Ordinance)

Disposition: Passed to Second Reading

At 9:47 a.m., Council recessed.

APRIL 10, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF APRIL, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

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

REGULAR AGENDA

- 560** Tentatively deny appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and approve, with conditions, application of GAPO, Inc., for a PUD and subdivision located at SW Viewpoint Terrace (Findings; Previous Agenda 400)

Discussion: Cay Kershner, Clerk of the Council, said a request had been made for a one week continuation.

Disposition: Continued to April 17, 1991 at 2:00 p.m.

- 557** **TIME CERTAIN: 2:00 PM** - Recommend support for the Westside Corridor Project locally preferred alternative and associated land use action (Resolution introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said this hearing represents the culmination of 2-1/2 years' work. The result is a consensus that has received broad public support from citizen groups such as the Planning Commission and the Citizens Advisory Committee as well as from the governmental entities involved, including Multnomah County, Beaverton, Hillsboro, Oregon Department of Transportation and Washington County. The recommendations are to be forwarded to Tri-Met for final action at its April 12th meeting.

Steve Dotterer, Transportation Planning, said by adoption of the resolution today Council is being asked to endorse the Steering Group's recommendations as well as a mitigation package also proposed by them. In addition, Council is being asked to amend the resolution to include Planning Commission recommendations regarding level platforms and the connection to Hillsboro. Major issues that have arisen include selection of the Portal A option, rather than an alternative Portal C2 option. The recommendation for the Portal A option called for in the decision document will allow for future north/south alignment in downtown and also allow a future alignment to the south downtown area, particularly to Portland State University. Other issues relate to the Canyon and

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particularly to the selection of the long tunnel route. Mr. Dotterer said the long tunnel seems to be the option which minimizes environmental impacts to the Canyon. Other issues concern station locations and the highway improvements plan.

Bill Robertson, Vice President, Tri-Met Board, represented the West Side Project Steering Group, which is comprised of representatives from all eight jurisdictions participating in the project. He said citizen input was instrumental in shaping the proposals before Council today.

Martha Peck Andrews, Portland Planning Commission Chair, said at its meeting last week the Commission voted to recommend the following actions: 1) reaffirm the July, 1989 recommendation for the Portal A option and give no further consideration to Portal C; 2) support the long tunnel alignment through the Canyon with a zoo station; 3) support basic highway improvements; 4) support the recommendations of the Project Steering Group, including mitigation measures; 4) recommend that level platform access be provided at all stations and; 5) support timely extension of the line to Hillsboro. She asked that Planning Commission support for items 4 and 5 be indicated in the amendments to the resolution relating to these subjects.

Bob Post, Assistant General Manager, Tri-Met, reviewed the Project Steering Committee's recommendations and described three major areas still in dispute: 1) the choice of Portal A as part of the downtown alignment rather than Portal C2; 2) a transit stop at Sylvan and; 3) road access in the Golf Creek area.

Tom Walsh, 118 SW Porter, Tri-Met Manager as of July 1, 1991, urged the selection of the Portal A option and called for Portal C to be dropped from consideration. He said analysis of the Portal C option showed it to be of higher geological risk and substantially more expensive. Also, City policies adopted in 1989 suggest that an additional extension downtown should be via SW Jefferson and Columbia Streets.

Individuals speaking in support of the plan as recommended in the decision document included:

Roger Yost, architect and past president of the Portland State University
Advisory Board

Donald McClave, Portland Chamber of Commerce

Janet Kretzmeier, Citizens Advisory Committee

Individuals speaking in support of including level platform access in the final design included:

Laurie Sitton, City/County Committee on the Disabled

Bob Pike, 5835 SW Vermont

Proponents noted strong support from the disability community for level platform access at all stations instead of the mechanical lifts which are used on the east-side MAX line.

Individuals speaking in opposition to the Portal A option and in favor of the Portal C2 option included:

Judy Erdman, Goose Hollow Foothills League President
John Vranizan, GHFL and Multnomah Club Board Member
John Lottes, Zion Lutheran Church
Jerald Powell, Goose Hollow Foothills League, Long Range Planing Comm.
Howard Glazer, 2378 SW Madison
Ron Stephens, GHFL and immediate past president of Multnomah Athletic Club
Lew Delo, 5784 SW Taylor
Tim Ramis, attorney representing Zion Lutheran Church.
Faith Ruffing, GHFL ex-president

Opponents of Portal A said selection of the surface route along SW 18th negatively impacts the neighborhood, causing traffic, parking and vibration problems. They contended that C2 is the only approach which will satisfy the Environmental Impact Statement.

Mr. Ramis said the Zion Lutheran Church has been able to persuade the neighborhood association to back off on its hardline position of support for Portal A but has been unable to persuade Tri-Met staff to do the same. He reviewed the church's recommendation that Portal A be adopted as the preferred option but with a call for additional study of C2 without diverting the timetable for the EIS review. If the study concludes that Portal C2 is not preferable, or if UMTA says it requires amendment of the EIS, then the church would be willing to abandon its position. He said further study of Option C2 could provide a backup position in case a defect is found when the Portal A option is reviewed.

Individuals speaking in favor of the Portal A option included:

Gordon Baker, Arlington Heights Neighborhood Association
Jennifer Sims, 2393 SW Park Place
Barbara Freeman, 3132 SW Fairview Boulevard
Florence Hinchlett, 2960 SW Bennington Drive, (read letter from John Thompson, President, Arlington Heights Neighborhood Association)
Marty Brantley, President and General Manager KPTV, 735 SW 20th Pl.
Stanley Zaklan, 2966 SW Bennington Drive
Bob Evenson, 321 SW Kingston
Neil Freeman, Arlington Heights Neighborhood Association
Leonard Palmer, 734 SW Harrison

Proponents of Option A said the choice of Option C2 is ecologically unsound, citing evidence that the area is geologically unstable and subject to landslides. Ms. Freeman presented a petition with 43 names in support of the Portal A option.

Individuals speaking in support of the long tunnel option on Canyon included:

John Grout, President, Southwest Hills Residential League,
2591 SW Buckingham
Candace Deming, 2352 SW Market
Vincent McMahon, 1850 SW Skyline, Sylvan-Highland Neighborhood Assn.

Supporters of the long tunnel route said this choice will protect the Canyon. Other advantages are faster transit, easier maintenance and added safety in the event of earthquakes.

Individuals speaking in support of the short tunnel surface route included:

Keith Hoelscher, American Institute of Architects
George Crandall, American Institute of Architects

Supporters of the short tunnel criticized the expenditure of an additional \$50,000,000 for the long tunnel route. They contended that the environmental impact of the surface route along Canyon was minimal, that the proposed elevator access to the zoo was an unacceptable solution and that the long tunnel would preclude the option of a stop at Sylvan.

Individuals speaking in opposition to a transit station and/or park and ride at Sylvan included:

Clementine Hoff, 1304 SW 58th Avenue
Micky Rosen, 4475 SW Fairview Circus
Jerold Parady, 1934 SW Highland Rd., (read a letter in opposition from
Sara Cogan, 1639 SW Skyline Boulevard)

Opponents of the Sylvan station cited congestion and inclement weather conditions in the winter as reasons for their opposition.

Peter Seto, 8160 SW Brookridge St., representing the Brookridge Farms Neighborhood Assn., urged retention of freeway access to Highway 26 in the Golf Creek area and also requested a park-and-ride station there.

Larry Kirkland, 2473 NW Pettygrove, endorsed the expenditure of one percent for art on the transit project.

Commissioner Kafoury moved amendments to the resolution endorsing the inclusion of level platform access, adding the Project Steering Group as an

access proponent, and timely extension of the line to Hillsboro. Commissioner Lindberg seconded and the motion carried. (Y-5)

Commissioner Lindberg asked if funding would be endangered if additional study of option C2 was proposed.

Chris Thomas, attorney for Tri-Met, said Tri-Met believes the decision to eliminate the Portal C2 option from further consideration is supportable and that the risks of litigation are low. He said the alternative proposals made by Mr. Ramis do not promise to avoid litigation in any event and the environmental assessment process called for would take at least several months. He said Tri-Met staff believes Portal C2 has very serious environmental problems and is not a reasonable alternative. Mr. Thomas called continuing the review of this option a death wish for the project.

Commissioner Blumenauer said he feels very comfortable with the recommendations for the Portal A option and for the long tunnel.

Commissioner Kafoury said work is being done to mitigate many of the traffic and parking issues regarding Portal A.

Commissioner Lindberg and Mayor Clark also spoke in support of the proposed recommendations, including those for Portal A and for the long tunnel.

Disposition: Resolution No. 34833 as amended. (Y-5)

- 558** Amend Ordinance No. 163499 authorizing the Commissioner of Public Works and City Auditor to enter into an intergovernmental agreement to establish a planning process for the Westside Corridor Project (Ordinance introduced by Commissioner Blumenauer)

Disposition: Ordinance No. 164046. (Y-5)

- 559** Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District (Tri-Met) to provide \$1,000,000 in local match to Federal funds for financing the Westside Corridor Project and provide for payment (Ordinance introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said this was the City's down payment on the project, noting that the City was the first entity to actually make a payment.

Disposition: Ordinance No. 164047. (Y-5)

At 5:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF APRIL, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Kafoury and Lindberg, 5.

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

Mayor Clark read a letter of commendation to the Drug and Vice Division for its outstanding record of drug law enforcement.

- 563** Increase existing fees for certain Fire Bureau permits to provide cost recovery for specialized plan review functions (Ordinance; amend City Code Title 31)

Discussion: Mike Tate, representing the Fire Sprinkler Contractors, called the proposed increase in fees for sprinkler systems excessive and said it would dampen efforts to encourage installation of such systems.

Commissioner Bogle said he would be happy to extend the time and discuss the proposed increase with Mr. Tate and with Fire Marshall Lynn Davis.

Robin White, Executive Vice-President, Portland BOMA, said the proposed inspection fees amount to an increase of about 124 per cent over existing fees. She said this jump would also be a disincentive for retrofitting buildings. She said BOMA also opposes 100 percent cost recovery, noting the large degree of public benefit that results from providing incentives for retrofitting and sprinkling buildings.

Disposition: Continued to April 17, 1991 at 9:30 a.m.

- 561** **TIME CERTAIN: 2:00 PM** - Appeal of the Bureau of Parks against the Hearings Officer's decision to deny their application for a conditional use to construct a new aquatics facility at Matt Dishman Community Center, 77 NE Knott (Hearing; Previous Agenda 445)

Discussion: Paul Norr, attorney for appellants Susan Hartnett and Harold Loucks, said they have reached agreement with the Parks Bureau on all of the 22 proposed conditions except those concerning hours of operation, measurement of the average number of people using the facility over some period of time (Condition 5) and Conditions No. 21 and 22 relating to monitoring traffic impacts.

Mr. Norr said his clients request that the pool be closed at 6 p.m., not 9 p.m, on Saturdays and at 6 p.m., not 7 p.m. on Sundays as the Parks Bureau proposes. They also seek a limit on the maximum number of people coming each week. Regarding the traffic studies, he said he understands the Parks Bureau is not opposed to them but is deferring to the opinion of Transportation Planning.

Bob Keech, Consulting Traffic Engineer, said his studies show a need for Conditions 21 and 22 conditions because of uncertainty about the traffic impacts. He called the City's traffic impact study analysis very sketchy and fails to adequately address such issues as the parking impact of special events, peak hour flow, circulation around the site and the impact to Knott Street. He said there is also a lack of information about the traffic impact during the hours of 6 and 9 p.m., and about combined use parking demand.

Regarding hours of operation, Mr. Norr said the Parks Bureau in its original application called for earlier closing hours on weekends than they are now proposing. He said he believes his clients' request for closing at 6 p.m. is very reasonable because of the serious imposition late night operation places on the people who live next door.

In Condition 5, Mr. Norr said they are asking that the average weekly attendance for regular activities be limited to 4500 persons. If it regularly exceeds that amount, his clients request that it be reviewed to see if some kind of mitigation is needed.

Mr. Norr said Conditions 21 and 22, which call for monitoring of future traffic impacts, are needed to ensure that, if traffic problems arise, they will be addressed. He said the Parks Bureau has deferred on these conditions to the Bureau of Transportation Planning which opposes them because it believes it should not have to pay for this work. He reminded Council that the City is the applicant in this case and should be treated the same as any private developer.

Mr. Norr said Transportation Engineering did not originally ask for a traffic study because no one told them there was an increase of more than 20 percent even though the application materials show an increase of about 260 percent. He questioned whether the original conditions recommended to the Hearings Officer, based on less than a 20 percent increase, would still be effective.

Howard Loucks, 22 NE Graham, said he felt that impacts on the neighborhood were deemed by the planners to be of little concern.

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Susan Hartnett, 28 NE Graham, said this is an approvable use but only with appropriate conditions. She said she is only asking that the use be viewed in the same light, and with the same standards, as a similar use brought to the City by a private developer.

Charles Jordan, Director, Bureau of Parks and Recreation, reviewed staff efforts to inform the neighborhood association and adjacent property owners about the project and recent efforts to negotiate an agreement on the operation of the facility and the reduction of impacts. He said he is concerned that limiting the hours of operation will reduce the number of rental hours, thus reducing the amount of revenue they had hoped to raise to cover their increased costs. He objected to closing the pool at 6 or 7 p.m. on summer weekends in a neighborhood which sorely needs recreational activities. He said he had no position on the 4,500 number, as there are so many unknowns at this time about usage.

Mayor Clark asked if the Bureau had looked at mechanical ways, such as traffic devices or cul de sacs, to mitigate traffic to prevent filtration through the neighborhood.

Jim Figurski, Matt Dishman Project Manager, said a number of the 17 agreed-upon conditions deal directly with traffic management. The Bureau of Traffic Management has said the modifications proposed by Mr. Keech are not appropriate because they do not think there will be that much traffic in the neighborhood.

Mayor Clark asked why the Parks Bureau could not contract traffic monitoring either with the Office of Transportation or some outside organization.

Mr. Figurski said they were relying on the Bureau of Traffic Management information that it was not required.

Erica Rooney, Bureau of Traffic Management, said they did not believe this facility would impact traffic severely enough to change circulation patterns on neighboring streets. She said putting in such devices would require much further analysis. She said they anticipate an increase of traffic on Knott Street of about 25 percent but much lower increases are predicted on the other streets.

Commissioner Kafoury asked how neighbors could trigger a traffic study if there is a problem in the future.

Ms. Rooney said the Neighborhood Traffic Management Plan program would address such impacts. However, in order to qualify for such a plan,

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an area would have to rank in the top third of some 70 projects that have been requested. She said they believe the impacts are not serious enough to trigger widespread changes that would in turn seriously impact traffic on other streets.

Commissioner Bogle asked if 7:30 p.m. closing hours on weekends would be an acceptable compromise to both parties.

Mr. Jordan said yes, if Council wanted to adopt such a policy.

Mr. Norr said he would talk to his clients.

Commissioner Blumenauer said he would rather have kids in the Center than on the streets.

Individuals who did not testify at the prior hearing were invited to testify:

Denise Washington, Citizens Advisory Committee member, strongly supported the new Center and the open process she said had been followed throughout.

Steve Rogers, 533 NE Brazee, said there was a crucial need to limit the hours of operation, the number and size of events and the average weekly attendance.

Eric Wentland, Eliot Neighborhood Association, asked about the variances that had not yet been considered.

Ruth Spetter, Senior Deputy City Attorney, said the seven requested variances had not been considered by the Hearings Officer and at this point Council has insufficient information to approve them. She said Council could either remand them back to the Hearings Officer for a ruling or consider them itself but, if that was done, notice of the hearing would be needed.

Mr. Wentland said the Parks Bureau misrepresented the Neighborhood Association's position. He said, while the Board was supportive of the expansion, its support was contingent on mitigation of impacts on the immediate neighbors. He asked that a conditional use master plan be prepared and that the Eliot neighborhood not be asked to continually sacrifice its liveability for the good of the greater community.

Mayor Clark asked whether people living there did not know there would be noise from the facility when they moved there.

Mr. Wentland said changing from summer to year-round use creates serious potential impacts. He said as a compromise perhaps the weekend

hours could be extended during the summer months only. He said they discussed closing off the streets with the Parks Bureau but were told the process would take at least a year.

David Summers, 2404 NE 20th, said by not dealing with the potential traffic impact, a problem could be created that would take ten years to resolve.

John Bartels, 632 NE Russell, President of Liveability Watch, supported the negotiated conditions and asked that they, as well as the variances, be remanded back to the Hearings Officer for public testimony and analysis before a final decision is made.

In rebuttal, Mr. Norr questioned the need for the facility to be open until 9 p.m. on Saturday nights, noting that the Parks Bureaus made its request to remain open until 9 o'clock only two days ago. He said the aquatics program alone is scheduled for an increase from 86,000 to 220,000 people a year. Regarding the traffic monitoring, Mr. Norr said it is something that needs to be done but the problem is nobody wants to pay for it.

Mr. Jordan said if the variances are remanded to the Hearings Officer, the project will be delayed another year.

Ms. Spetter said Council could hold a hearing on the variances if notice were given. She suggested that the City Attorney review them to make sure they are permissible.

Commissioner Blumenauer said he would prefer that Council retain jurisdiction and suggested holding a hearing on the variances in three weeks.

Ms. Spetter said Council could only make a tentative decision about findings on the conditional use today. She said she has some concerns about the way the proposed findings are phrased.

Commissioner Blumenauer said he would like to tentatively grant the appeal, resolve the issues of operation and perhaps add a mandate for a special traffic study. However, he said he personally agrees with the Bureau of Traffic Management and would not elevate this study for special treatment.

Ms. Spetter suggested that Council make a tentative decision on the conditional use today but hold the findings until the time the findings on the variance came back so that everything could be done at one time.

Commissioner Blumenauer thought the agreed-upon conditions should be incorporated. He said he did not want to add any conditions calling for shorter hours of operation than those recommended by the Parks Bureau.

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Mayor Clark said he agreed with Commissioner Blumenauer about the expanded hours, noting that the effect on the neighborhood was speculative.

Commissioner Lindberg said he also supported the longer hours and would hate to put limits on the number that could attend.

Commissioner Blumenauer suggested asking for a report on the numbers of people using the Center after six months of operation.

Commissioner Kafoury asked that the report also include a review of traffic increases by the Parks and Transportation Bureaus. She said a major study is not needed, just an opportunity for people to say whether it is okay or not.

Mark Becketl, Office of Transportation Planning, said the traffic demand management plan, one of the conditions in the proposal, requires that a traffic advisory committee be formed which would report on an annual basis to the Office of Transportation.

Commissioner Kafoury said she would like that acknowledged in the findings.

Commissioner Lindberg moved to tentatively overrule the Hearings Officer's decision, incorporate the 17 agreed-upon conditions and support the Parks Bureau in terms of hours of operation and in not limiting weekly attendance. Commissioner Kafoury seconded.

Tom McGuire, Planning Bureau, suggested that the six conditions noted in the original staff report also be included.

Commissioner Lindberg amended his motion to include those.
Commissioner Kafoury agreed and the amended motion carried. (Y-5)

Mayor Clark noted Council agreement to hold a hearing on the variances. The date was set for Thursday, May 2, 1991.

Commissioner Kafoury said she would personally be available to help neighbors appeal if there are traffic problems.

Commissioner Lindberg said staff has reconfirmed that a traffic assessment was already part of the proposal.

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

REGULAR AGENDA

Commissioner Dick Bogle

- 562 Liquor license application for James O. Perry and Joe G. Perry, dba Punjab Tavern, retail malt beverage liquor license, change location to 6510 SE Foster Road, and add James Perry as a partner; Unfavorable recommendation (Report)

Discussion: John Werneken, License Bureau, said the Bureau shares the concern of neighbors and Police about this tavern. He said during interviews with James Perry by the OLCC and the Police and License Bureaus, they learned that the real owner was James, not Joe, Perry; as a result, a second application adding James Perry as a partner was made. During these interviews Mr. Perry also made a number of false statements. The License Bureau has concluded that operation of a new and larger tavern at a much more sensitive location requires a credible plan to assure lawful operation and must be based on more than Mr. Perry's plea to "trust him". Mr. Werneken proposed an unfavorable recommendation on both applications.

Chuck Bolliger, Police Bureau, cited the use of an alias, James Dean Night, by James Perry in order to illegally obtain an Oregon driver's license and avoid arrest on a warrant issued in Washington for driving with a suspended license. He said given the history of illegal activity in the area where the tavern is located and Mr. Perry's questionable credibility, the Police Bureau urges unfavorable recommendations both on the addition of the partner and the change of location.

Thomas Hilts, Pastor, Rosebud Community Church, spoke in support of the unfavorable recommendation based on concerns with parking and crime.

James Perry, applicant, called the report unfair, contending that while there are problems in the area, no one has said there are problems at the Punjab. He described his attempts to meet neighborhood concerns about parking.

Commissioner Blumenauer said there seems to be a systematic problem of not issuing truthful statements.

Mr. Perry said he left the OLCC application blank where it called for listing any alias. Once he was asked, he admitted to being James Night.

Commissioner Blumenauer questioned his statement to an OLCC interviewer indicating he had no driver's license and did not drive. Later, however, the interviewer saw him drive away from their meeting.

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Mr. Perry admitted that he drove that day despite the fact that he had no driver's license.

Disposition: Unfavorable recommendation. (Y-5)

At 4:05 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council