



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF MAY, 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.

Commissioner Lindberg and Chris Hudson, Schools for the Cities, presented Excellence in Arts Education awards to 12 teachers and principals.

Mayor Clark introduced Girl Scouts from Madeleine Grade School who have earned their badges in Water Engineering. They presented posters in recognition of National Drinking Water Week.

Agenda items no. 702 and 703 were pulled from Consent. On a Y-5 vote, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 694** Accept bid of Copenhagen Utilities and Construction for Conduit No. 3 relocation Phase II for \$234,672 (Purchasing Report - Bid 125)

Disposition: Adopted; prepare contract.

- 695** Accept bid of Price Point Supply for furnishing photographic supplies for \$39,170 (Purchasing Report - Bid 126-A)

Disposition: Adopted; prepare contract.

- 696** Accept bid of White GMC Trucks of Portland, Inc., for two 10-12 yard dump trucks for \$132,900 (Purchasing Report - Bid 136)

Disposition: Adopted; prepare contract.

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697 Accept bid of Quik Mfg. Co. for one 52,000 GVW truck with hydraulic crane for \$202,062 (Purchasing Report - Bid 138)

Disposition: Adopted; prepare contract.

698 Accept bid of White GMC Trucks of Portland, Inc., for one 52,000 GVW tilt frame roll on-off truck for \$85,874 (Purchasing Report - Bid 140)

Disposition: Adopted; prepare contract.

699 Accept bid of Casper & Magera, Inc., for construction of Adventist sanitary sewer for \$3,507,196 (Purchasing Report - Bid C-9743)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

700 Confirm appointments of Rick Harmon and Deborah Gruenfeld to the Historic Landmarks Commission (Report)

Disposition: Confirmed.

701 Confirm the continuing appointment of Commissioner Earl Blumenauer as the City Council's representative on the Board of Directors of the Hospital Facilities Authority of the City of Portland (Resolution)

Disposition: Resolution No. 34840. (Y-5)

***704** Authorize restoration of forfeited vacation and compensatory time off to the accounts of eighteen Police Bureau employees (Ordinance)

Disposition: Ordinance No. 164118. (Y-5)

***705** Settle the workers' compensation claims of Hugh Atkins (Ordinance)

Disposition: Ordinance No. 164119. (Y-5)

***706** Pay claim of Brian Redman (Ordinance)

Disposition: Ordinance No. 164120. (Y-5)

***707** Call for bids for computer hardware and software for the Office of Finance and Administration and authorize contracts (Ordinance)

Disposition: Ordinance No. 164121. (Y-5)

- *708** Apply for continuation of the "Community Partnerships - A Community Policing Model for Drug Demand Reduction" grant from the Bureau of Justice Assistance (Ordinance)

Disposition: Ordinance No. 164122. (Y-5)

Commissioner Earl Blumenauer

- 709** Accept completion of the Tryon Creek Wastewater Treatment Plant gravity belt thickener installation and make final payment (Report; Contract No. 25901)

Disposition: Adopted.

- 710** Approve Change Order No. 1, accept completion of the Arterial and Residential Street Light Conversion and Modification Project, Phase VII, and make final payment (Report; Contract No. 26296)

Disposition: Adopted.

- 711** Accept completion of the improvement of NE Fremont Street bikeway from NE 102nd Avenue to NE 122nd Avenue by Clearwater Construction Co. and release retainage (Report; Contract No. 26643)

Disposition: Adopted.

- *712** Amend Agreement with KCM/Construction Management and Inspection, Inc., by increasing the amount of funds by \$290,000 (Ordinance; amend Agreement 24847)

Disposition: Ordinance No. 164123. (Y-5)

- *713** Increase the amount of petty cash to \$4,000 to the Wastewater Treatment Branch and establish a petty cash checking account in that amount (Ordinance; amend 161228)

Disposition: Ordinance No. 164124. (Y-5)

- *714** Call for bids for the NE 21st Avenue and NE Argyle Street sewer repair project (Ordinance)

Disposition: Ordinance No. 164125. (Y-5)

- *715** Call for bids for the SE 24th Avenue sewer reconstruction project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164126. (Y-5)

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***716** Call for bids for the NE Alameda, NE 37th Court to NE 35th Avenue sewer relief project (Ordinance)

Disposition: Ordinance No. 164127. (Y-5)

***717** Call for bids for the Columbia Boulevard Wastewater Treatment Plant compostor drag chain housing; authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 164128. (Y-5)

***718** Call for bids for the Columbia Boulevard Wastewater Treatment Plant screen house ventilation system project; authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 164129. (Y-5)

***719** Call for bids to furnish recycling containers for multi-family residences, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164130. (Y-5)

***720** Call for bids to construct a Neighborhood Traffic Management Program on NE 7th Avenue from NE Hancock Street to NE Fremont Street (Ordinance)

Disposition: Ordinance No. 164131. (Y-5)

***721** Accept a street deed for the N. Kaiser Center Drive Street improvement project, granted by Kaiser Foundation Health Plan of the Northwest, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164132. (Y-5)

***722** Accept a street deed for the future widening of NE 158th Avenue north of NE Mason Street, granted by Wagner Mining and Construction Equipment Co., at no cost to the City (Ordinance)

Disposition: Ordinance No. 164133. (Y-5)

***723** Revocable permit to Oregon Amateur Sports Foundation, Inc., to maintain banners on street light poles from June 23, 1991 to July 15, 1991 (Ordinance)

Disposition: Ordinance No. 164134. (Y-5)

Commissioner Dick Bogle

724 Declare intent to cover volunteers working with Portland Office of Emergency Management as workers under Workers' Compensation law, ORS 656.001 to 656.794 (Resolution)

Disposition: Resolution No. 34841. (Y-5)

***725** Contract with Burlington Water District for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 164135. (Y-5)

***726** Contract with David F. Weich for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 164136. (Y-5)

***727** Contract with Alder Creek Lumber Co., Inc., for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 164137. (Y-5)

Commissioner Mike Lindberg

728 Authorize the City Attorney to file a proceeding in Multnomah County, Oregon Circuit Court against current and previous owner of Tax Lot 1 of Lot 5 Johnson Creek Park, commonly known as 5912 SE 145th Avenue, Portland, Multnomah County, Oregon (Resolution)

Disposition: Resolution No. 34842. (Y-5)

729 Authorize the City to file a proceeding in Multnomah County, Oregon Circuit Court against Quality Sewer and Drain Cleaning, Inc., an Oregon Corporation doing business as Quality Rooter, Inc., 4540 SE Johnson Creek Boulevard, Portland, Multnomah County, Oregon (Resolution)

Disposition: Resolution No. 34843. (Y-5)

***730** Call for bids on behalf of the Bureau of Parks and Recreation for new construction, including a covered year-round pool and renovations to the existing community center, at Matt Dishman Community Center, 77 NE Knott (Ordinance)

Disposition: Ordinance No. 164138. (Y-5)

***731** Amend Code provisions relating to park permits (Ordinance; amend Code Chapter 20.08)

Disposition: Ordinance No. 164139. (Y-5)

- *732** Authorize Bureau of Parks and Recreation to negotiate terms and conditions for purchase of certain properties (Ordinance)

Disposition: Ordinance No. 164140. (Y-5)

- *733** Call for bids to construct the Calvary Pump Station and associated site improvements, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164141. (Y-5)

- *734** Call for bids for the construction of 12-inch and 6-inch mains in SE Rex Drive, SE Knapp Street and SE Clatsop Street, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164142. (Y-5)

- *735** Authorize a contract with Network Computing Corporation for the Bureau of Water Works without advertising for bids and authorize drawing and delivery of warrants (Ordinance)

Disposition: Ordinance No. 164143. (Y-5)

- *736** Contract with David Evans and Associates, Inc., to conduct bathymetric surveys of the Bull Run reservoirs at a cost of \$69,750 (Ordinance)

Disposition: Ordinance No. 164144. (Y-5)

- *737** Contract with E & S Environmental Chemistry, Inc., to conduct studies of the Bull Run reservoirs at a cost of \$30,000 (Ordinance)

Disposition: Ordinance No. 164145. (Y-5)

City Auditor Barbara Clark

- 738** Approve Council Minutes for December 5, 1990, through March 13, 1991 (Report)

Disposition: Approved.

REGULAR AGENDA

- *702** Amend Chapter 5.08 of the City Code to codify the City's policy for travel and miscellaneous expenses, direct the Bureau of Financial Planning to budget funds for implementation of such policy, and repeal Ordinance No. 163421 (Ordinance)

Discussion: Mayor Clark asked that this and the following item be referred back to his office for clarification.

Disposition: Referred to Commissioner of Finance and Administration.

703 Adopt Rules for Travel and Miscellaneous Expenses (Resolution)

Disposition: Referred to Commissioner of Finance and Administration.

690 **TIME CERTAIN: 9:30 AM** - Adopt Report and Recommendation of the Planning Commission to amend the fee schedule for land use applications and related planning services and amend Title 33 (Report introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said during the budget process the Bureau was directed to come up with a revised fee schedule and move from a cost recovery level of 30 percent to approximately 70 percent.

Bob Stacey, Planning Director, said the Bureau's initial goal of 100 percent cost recovery was reduced because of the Bureau's conclusion that this level could negatively affect small businesses and individuals, impair the City's competitive advantage and adversely impact housing costs. Mr. Stacey said the Bureau tried to balance private versus public benefit and, in so doing, left cost recovery levels at less than 70 percent for certain services, such as residential permits. He said the Bureau will review the fee schedule after one year to see if certain fees need adjustment.

Doug Van Dyke, Planning Bureau Bureau Advisory Committee Chair, said the committee believes it reasonable for those who receive the services to pay a larger portion of the costs. He added that raising fees, the Bureau's alternative to massive staff cuts, will increase efficiencies and assure that services will be available when needed. Mr. Van Dyke also outlined the Committee's plan to conduct a citizen audit of land-use planning activities next year.

Commissioner Kafoury pointed out that a regulatory review process has been reinstated to ensure quickness and efficiency.

Drake Butsch, Home Builders Association of Metropolitan Portland, said the new fees place a value on the public good that comes from planning and providing an incentive for efficiency. The new fees also reflect the need for affordable housing.

Mr. Butsch asked that the schedule be adjusted to allow for state legislative changes and that fees be lowered if hearings are not required for specific land use decisions.

Bob Glascock, Planning staff, said that is included in the proposal.

Steve Abel, attorney, 1211 SW. 5th, supported the new fee structure because it will prevent time delays and retain the current level of efficiency.

Susan Hartnett, 28 NE Graham, a planner for SE Uplift, said she believed good choices had been made about which land use reviews should pay full cost and which are subsidized. She supported retention of the appeal fee waiver for neighborhood associations.

Commissioner Blumenauer complimented staff for its excellent work. He said he is concerned about providing countercyclical funding to ensure that the Planning Bureau will be able to function when the economy is in a downturn.

Disposition: Adopted.

- 691** Amend fee schedule for land use applications and related planning services and amend Title 33 (Ordinance; amend Chapters 33.750 and 33.845)

Disposition: Passed to Second Reading

Mayor J. E. Bud Clark

- 739** Establish an Institute of Portland Metropolitan Studies to harness the research capacity of Portland State University and other institutions of higher education in the metropolitan area (Resolution)

Discussion: Chuck Tracy, Associate Dean, School of Urban Affairs, Portland State University, said they believe this will be a very productive relationship between the Universities involved and local governments.

Commissioner Bogle, noting that savings resulting from reductions in the Mayor's staff were being used to fund a portion of the cost, offered to split the cost with the Mayor by contributing similar savings from his office.

Commissioner Blumenauer said the budget office is counting on their not spending the savings.

Commissioner Bogle said his contribution would not affect the bottom line, only where the money was coming from.

Commissioner Kafoury said it is important to realize this is one-time funding for an institute that will be on-going. She said it will be nice to have a neutral education forum to address broad governmental issues within the region.

Commissioner Lindberg said having an independent, objective group is the only way to bring about governmental restructuring.

Disposition: Resolution No. 34844. (Y-5)

Commissioner Earl Blumenauer

- *740** Call for bids for the Columbia Boulevard Wastewater Treatment Plant intermediate aeration blower installation; authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 164146. (Y-5)

Commissioner Dick Bogle

- 741** Support consolidation of administration of City Business License fee system and County Business Income Tax and creation of a joint implementation committee to carry out consolidation (Resolution)

Discussion: Hank Miggins, Executive Assistant to Gladys McCoy, Chair, Multnomah County Commissioners, said the County plans to pass a similar resolution tomorrow to implement this.

Commissioner Kafoury asked when the report would come back.

Commissioner Bogle said they expect the committee work to take several months. He said this consolidation will be good for the City, the County and the business community and will cut through what the business community believes is a tangle of red tape.

Disposition: Resolution No. 34845. (Y-5)

Commissioner Gretchen Kafoury

- 742** Commence and prosecute a judicial foreclosure action against the Bridgeport Hotel to recover civil penalties (Resolution)

Discussion: Commissioner Kafoury said there was some confusion about how this interfaces with the demolition process.

Jo Zettler, Bureau of Buildings, reviewed City efforts to improve conditions at this site, which was declared a dangerous building in 1984. She explained that demolition of the Bridgeport was delayed, despite Council approval, after potential investors were identified and also because passage of Ballot Measure 5 made the Bureau reluctant to spend \$150,000 in demolition costs. However, once it became apparent that the investors were no longer interested, the Bureau began to study foreclosure as an alternative to demolition.

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Ms. Zettler said because the owner is doing an inadequate job, the Bureau has decided to pursue summary abatement and hire a contractor to secure the building. They have been taking bids on that and, if Council approves foreclosure, will proceed to secure it throughout the process.

Paul Elsner, Deputy City Attorney, said the City will seek recovery of liens imposed by the Code Hearings Officer. He explained that under the judicial procedure proposed, the property owner would be entitled to a 180-day redemption period in order to pay off any liens. He said the Bureau had agonized about whether to seek foreclosure or demolish the building.

In response to a question from Commissioner Blumenauer, Mr. Elsner said the foreclosure process could be extended because of appeals.

Commissioner Kafoury said if Council wants to give the go ahead to spend the \$150,000 to demolish the Bridgeport, then the Bureau of Buildings will be happy to do so.

Commissioner Blumenauer called this building a community hazard and said he was uncomfortable about letting things drift when Council already approved demolition a year ago. He said it seemed to him that if all the costs of foreclosure were tabulated, they would exceed the demolition costs.

Ms. Zettler said the costs would include securement, inspections, and hearings, not to mention the cost to the community itself. She said there are no funds in the Bureau of Buildings' budget to cover the demolition cost but that they could be borrowed from the Building Fund.

The following individuals testified in support of demolition, rather than foreclosure:

Margaret Moreland, 811 E. Burnside and member of the
Steering Committee, Central Eastside Community Policing
Demonstration Project

Dan Lambert, East Precinct, Police Bureau

Joann Ferrero, member of Community Policing Demonstration Project.

John Larkin, Police Bureau

Supporters of demolition spoke of their frustration with the building's condition and with the criminal activity that goes on there.

Mayor Clark said the consensus seemed to be to proceed with the demolition. Council members agreed and instructed the Bureau of Buildings to carry out the provisions of the previously-approved ordinance.

Mayor Clark said Council's message was to tear the building down and do it now.

Commissioner Blumenauer moved to table the resolution for no further consideration. Commissioner Bogle seconded and the motion carried. (Y-5)

Disposition: Laid on the table. (Y-5)

- 692 TIME CERTAIN: 10:30 AM** - Report of the Commissioner of Public Works to the City Council transmitting the NE Airport Way Access Management Policy (Report)

Disposition: Approved. (Y-5)

- 693** Adopt the NE Airport Way Access Management Policy as an operations policy to be administered by the City of Portland, Office of Transportation. (Resolution)

Discussion: Mark Bechtel, Transportation, explained access goals and the primary components of the policy.

Paul Shirey, Portland Development Commission, said they took at least three times as long as they had expected in order to get the job done right.

Deborah Robertson, Columbia Corridor Association, read a statement of support. She said the concerns her organization raised had been incorporated into the policy.

Ben Altman, Altman Urban Solutions, said this plan provides a good vision of the end results.

Disposition: Resolution No. 34846. (Y-5)

- *743** Contract with Portland Community Reinvestment Initiatives, Inc., (PCRI) to engage in the work of acquiring properties of Dominion Capital and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said she has recently been informed that neither she nor Bob Crooks, who has been doing the legal work, may continue to serve on the Board.

Paul Elsner, Deputy City Attorney, said originally the Bureau of Community Development asked Bob Crooks for his help in forming a non-profit housing organization to handle the Dominion acquisition. The City has since learned that federal regulations prohibit the payment for services rendered to board members of organizations that receive HUD funds. Since HUD funds will be the sole source of Dominion acquisition funds, Mr. Crooks has resigned from the board but will remain as legal counsel. HUD has reviewed this technical conflict of interest and has agreed to review a written request for an exception.

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Commissioner Kafoury said this is a risky project and people are nervous about creating a new entity. However, she believes the City is protecting itself adequately and is getting good advice about how to make it work.

Commissioner Lindberg asked why no existing non-profit agency is being asked to undertake this project.

Commissioner Kafoury said none of them has the capacity to take this on now. In addition, no property management companies have been found that specializes in Northeast apartment units.

Commissioner Lindberg asked who will actually own and manage the properties.

Commissioner Kafoury said 100 of the properties are owner-occupied. They hope to refinance these and would like to keep their options open as to whether the remainder would be managed by the Housing Authority or by a new entity.

Commissioner Lindberg asked whether the State Attorney General was continuing to investigate possible violation of state laws by Dominion.

Mr. Elsner said yes, they are a creditor, and are pursuing this as part of the bankruptcy proceedings.

Disposition: Ordinance No. 164147. (Y-5)

City Auditor Barbara Clark

744 Establish a Local Improvement District Financing Policy for evaluating, forming and financing local improvement projects (Resolution; LID)

Disposition: Resolution No. 34847. (Y-5)

At 11:15 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF MAY, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Kafoury and Lindberg, 4.

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

745 TIME CERTAIN: 2:00 PM - Appeal of Bernard Foster et al against Hearings Officer's decision to approve the application of Burnside Projects, Inc., for a comprehensive plan amendment, zone change and variances, in order to remodel an existing apartment building to single-room occupancy units at 2322 N. Williams (Hearing; 8045-PA)

Discussion: Laurie Wall, Planning staff, said this concerns a request to allow renovation of an existing apartment building in order to provide 32 housing units for homeless women in need of alcohol and drug treatment. The building has been vacant for many years.

Ms. Wall said Mr. De Paolo is the only appellant with standing to appeal, as the other two appellants did not participate in prior hearings.

Summarizing the conclusions of the Hearings Officer, Ms. Wall noted that she had approved the application, finding that it provided visual improvement of the property. However, in response to concerns about parking, she attached conditions regarding the provision of parking and open space.

Carl DePaolo, appellant, asked Bernard Foster to be his spokesman.

Bernard Foster, appellant, said they oppose this comprehensive zone amendment because they believe that placement of additional special-needs housing will discourage and negatively impact the neighborhood. He also contended that additional parking places are needed.

Mr. Foster proposed a sunset clause and called for a review of the project within three years. He said these facilities have good intentions but cause major problems to the neighborhood.

Tim Ramis, attorney representing the Burnside Projects, said they believe this project will help stabilize the neighborhood as it is not designed for transitory occupancy, but to provide permanent housing. In recognition of

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the traffic problems, he proposed the addition of a new condition which will require that all leases contain a provision prohibiting automobile commuting by tenants.

Mr. Ramis said concerns that the facility will discourage businesses from locating there and attract drug dealers are misguided. He said the main reason the Portland Development Commission is supporting this project is because it believes it will help, not hinder, the neighborhood. He added that he believes the sunset clause proposed by Mr. Foster is unwarranted.

Jean DeMaster, Burnside Projects Director, said this project will turn a building that is currently abandoned into 32 units that will allow women in drug and alcohol recovery programs to move from the Burnside area into safer housing.

Ms. DeMaster said Burnside Projects has an option to purchase property that will provide four parking spaces for use by the resident manager and guests. She said residents of the building, as part of their lease agreements, must agree to be drug and alcohol free and not to own autos.

Frances Escola, 2327 NE Rodney, said the project may be worthy but there are too many similar projects in the neighborhood.

Joan Huntley, NE Rodney, said she is unable to conduct her business because of crime, gang, and drug activity in the neighborhood.

Bruce Wade, Portland Development Commission, said the Commission had approved financing at a meeting held this morning.

Individuals speaking in support of the application included:

Rodney Page, Ecumenical Ministries of Oregon
Deborah Wood, Executive Director, Central City Concerns
Helen Bakkense, Immaculate Heart Church member, read a letter in support from Father Heiberger

Dennis Gilman, 1313 SE Oak

Jerry Van Horton, Custom Marble, 2400 NE Martin Luther King Jr., Blvd.

Bernard Shelach, 318 NW Broadway

Angie Naugle, 318 NW Broadway

Peter Fry, Central Eastside Industrial Council

Jennifer Neilson, REACH Community Development

Mary Anna Stoffer, Southwest United Church of Christ

Rosheall Caliman, 652 SE 217th

Jack Courtney, 1209 SW 6th, Vice Chair, Burnside Projects,

Kasey Thomas, 41088 SE Kitzmiller, Eagle Creek

Shellie Goodale, 435 NW Glisan

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Susan Hartnett, 28 NE Graham, Eliot Neighborhood
Association
Paula Corey, Multnomah County
Helen Barney, Interim Director, Housing Authority of Portland

Supporters said the project would be an asset to the neighborhood.

Lee Perlman, 512 NE Brazee, noted the endorsement of the project by the Eliot Neighborhood Association. However, he said, sooner or later, the issue of saturation of special needs housing in the area must be addressed.

Mr. De Paolo, in rebuttal, said he has been continually plagued by people parking illegally in his lot and said it was very difficult to have illegally parked cars towed away. He asked that the project be approved only if sufficient off-street parking is provided. He said four spaces are simply not enough.

Mr. Foster reiterated that no one opposes the housing but they are concerned with the tremendous parking problem in the area.

Commissioner Lindberg asked if there was a way to assure this would remain a facility for women only.

Ms. Wall said the proposal was always for a women's apartment building but that a statement adding that understanding to Condition A might be appropriate.

Commissioner Blumenauer moved to deny the appeal and uphold the Hearings Officer's decision.

Mr. Kasting said he believes there is no new evidence or issues that would require preparation of revised findings.

Mr. Ramis said appellant was satisfied with the current findings.

Commissioner Blumenauer said he did not think a sunset clause would be appropriate because of financing and program arrangements.

Commissioner Kafoury said if parking problems arise later they can be brought before Council.

Mayor Clark said it would be nice to get rid of the eyesore there now and said he thinks fears about the project are unmerited.

Commissioner Kafoury moved to reconsider the item; Commissioner Lindberg seconded and the motion carried.

Commissioner Blumenauer moved that Council unanimously add a condition to the decision that all leases shall contain a provision prohibiting automobile commuting by tenants. Council voted approval. (Y-4)

Disposition: Appeal denied. (Y-4)

- 746** 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 611)

Disposition: Continued to May 15, 1991

- 747** Tentatively grant appeal of Ardenwald-Johnson Creek Neighborhood Assoc., Eastmoreland Neighborhood Assoc. and Eastmoreland Racquet Club Homeowners Assoc. against decision to approve application of Eastmoreland Tennis Corp. for a conditional use to expand an existing building at 3015 SE Berkeley (Findings; Previous Agenda 652)

Discussion: Cay Kershner, Clerk of the Council, noted that this item had been continued and that Council had not tentatively voted to grant the appeal, as stated in the title.

Steve Gerber, Planning staff, said a substantial agreement had been reached between the Racquet Club and the Eastmoreland Neighborhood Association regarding the issues of skylights, ancillary uses, membership and hours of operation. He said no agreement had been reached with the Homeowners Association or with the Ardenwald-Johnson Creek Neighborhood. Regarding their traffic concerns, Mr. Gerber said staff believes that, with 1,000 memberships, traffic will increase to the residential potential of this land and no more. He said staff also believes that regional traffic issues are not appropriately addressed in this hearing. He recommended addition of the agreement between the Racquet Club and the Eastmoreland Neighborhood Association to the Hearings Officer's conditions of approval.

Mr. Kasting said the record had been left open to enable others to review new information that had been submitted. Those wishing to testify about that new information need to be heard today.

Commissioner Lindberg said he had been absent at the initial hearing and had not reviewed the case.

Mr. Kasting suggested that he remain to hear the testimony in case his vote should become necessary at a later date but that he should not vote today.

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John Hoover, Co-Chair, Eastmoreland Neighborhood Association Land Use Committee, said the Association was satisfied with the results of the agreement.

Leo Huff, Ardenwald-Johnson Creek Neighborhood Association, said their concerns about this becoming a regional facility had not been addressed. He said they still believe the additional memberships will allow a regional use on residential streets.

Jim Smith, attorney for the Eastmoreland Racquet Club Homeowners Association, said nothing in the agreement satisfies his client's concern with the threefold increase in traffic past their homes. He said a commercial use in this zone must prove it does not change the value and character of the neighborhood.

Dave Hudson, President, Eastmoreland Homeowners Association, also objected to the effect an increase from 300 to 1,000 memberships will have on traffic on Berkeley Place. He said, in deference to Council, they had been negotiating with the Club but were unable to reach an agreement about membership numbers.

Tim Ramis, attorney for the Racquet Club, said the agreement has mitigated all the issues that could be mitigated. He stressed the willingness of the Club to pay for a parking study. He said, while they have been unable to reach an agreement with immediate neighbors, they are trying to do everything they can to reduce problems and encourage pedestrian access.

Mr. Ramis also entered in the record an analysis of membership by zip code, showing that over half are from the Ardenwald or Eastmoreland areas.

Ruth Maneely, 8257 SE 32nd, asked Council to notice the difference between 1,000 memberships and 1,000 members.

Individuals speaking in favor of approval of the application included:

Wayne Landsverk, 6120 SE 32nd
Linda Sharp, 7706 SE 29th
Bob Neshler, 7098 SE 27th, President, Eastmoreland
Neighborhood Association

Supporters called the membership cap reasonable and commended the Club's current owners for addressing neighborhood concerns about lighting, noise and traffic.

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Commissioner Blumenauer moved to approve the application, incorporating as conditions the elements contained in the agreement between the Eastmoreland Racquet Club and the Eastmoreland Neighborhood Association.

Commissioner Kafoury asked if that would include the reference to the skylights, adding condition B from CU 51-82 and changing the ancillary uses.

Mr. Gerber said the agreement worked out between the Racquet Club and the Eastmoreland Neighborhood Association does not include the condition from CU 51-82. They have reached a different agreement regarding the skylights and the roof.

Commissioner Blumenauer said he believed that the agreement is a reasonable compromise and an act of good faith on the part of the new owners.

Commissioner Kafoury stated that Council would like the Club to continue its negotiations with the other neighborhood associations as well.

Mr. Gerber said Mr. Hoover of the Eastmoreland Neighborhood Association had indicated that a cap of 1,000 memberships with no two-year review was appropriate and asked Mr. Ramis if that was also agreeable to the Racquet Club. He said the Hearings Officer talked about a temporary cap.

Commissioner Blumenauer said the findings should state that memberships are not to go above 1,000 and this is not meant to be a temporary cap.

Mayor Clark said he wanted to emphasize that this is a neighborhood, family facility, not a regional facility.

Disposition: Tentatively deny appeal and grant application with conditions. (Y-3; Lindberg abstained) Prepare Findings for May 29, 1991 at 2:00 p.m.

At 3:35 p.m., Council recessed.

MAY 9, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF MAY, 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.

748 TIME CERTAIN: 2:00 PM - Spirit of Portland Awards (Ceremony)

Discussion: Mayor Clark proclaimed May 5-11 as Neighborhood Recognition Week. Eight neighborhood associations displayed flags designed as part of the Neighborhood Flag Project. The Mayor and Commissioners presented Spirit of Portland awards to the following individuals and organizations:

John Gert
Marshall High School Honor Society
Alice Blatt
Val Thorneycroft
Pam and Scott Richardson
Portland Women's Crisis Line
Steve Johnson
Shirley Vessella
Libbi Albright
Genny Nelson
Gary McGrew and Rod Beard
Betsy Radigan, Piedmont Neighborhood Association

Disposition: Placed on File.

REGULAR AGENDA

Commissioner Dick Bogle

749 Liquor license application for Larry and Helen Hamlin, dba Wopatoos, 4144 SE 60th Ave., retail malt beverage liquor license (new outlet); Favorable recommendation (Report)

Disposition: Favorably accepted. (Y-3; Bogle and Kafoury absent)

750 Liquor license application for Edgefield Gardens, Inc., dba Baghdad Theater & Pub, 3708 SE Hawthorne Blvd., brewery-public house liquor license (new outlet); Favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said neither the License or Police Bureaus found any grounds for denial of this application although neighbors had raised concerns about parking. He said neither state liquor laws or zoning code regulations for businesses located in a storefront commercial zone require that parking be provided. He added that he had encouraged the applicant, Mike McMenammin, to work with neighbors on the issue to see what might be worked out.

Harold Slater, 3706 SE Madison, presented a petition signed by 75 nearby residents asking that a condition be added to address the parking problems.

Ky Holland, Chair, Richmond Neighborhood Association, distributed copies of a good neighborhood plan between the McMennamins and the Richmond and Sunnyside Neighborhood Associations. He said both neighborhood associations have formally agreed not to oppose the application but are requesting a meeting 60 days after the outlet begins operations to discuss any problems that may have arisen.

Commissioner Lindberg asked about arrangements to use nearby bank lots after hours.

Mr. Holland said Sunnyside would like formal written agreements even though they know the banks are reluctant to grant them because of liability problems.

Katherine Anderson, 808 SE 28th, Sunnyside Neighborhood Association Land-Use Chair, supported the good neighbor agreement with a change in the time for the joint meeting from 90 to 60 days. She said they believed their concerns with density and parking were worth bringing before Council.

Mike McMenammin, applicant, noted that they were reducing the number of theatre seats from 1,400 to 700.

Commissioner Lindberg urged him to get parking lot approvals and spread the word to patrons to use them.

Mr. McMenammin said, while they have been told informally by the banks that patrons may use the lots, it is hard to get formal agreements.

Disposition: Favorably recommended. (Y-5)

MAY 9, 1991

At 3:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council