



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND 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.

Mayor Clark proclaimed the week of May 26 through June 2, 1991 as National Council of Jewish Women Week.

Agenda No. 824 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

815 Cash and Investment balances for April 11, 1991 through May 8, 1991 (Report; Treasurer)

Disposition: Placed on File.

816 Accept bid of Utility Equipment, Inc., for one 24,500 GVW truck with aerial device and service body for \$61,480 (Purchasing Report - Bid 157)

Disposition: Adopted; prepare contract.

817 Accept bid of Clyde-West, Inc., for one asphalt paving machine for \$176,980 (Purchasing Report - Bid 158)

Disposition: Adopted; prepare contract.

***818** Authorize the Commissioner of Public Works and Commissioner of Public Affairs to enter into an Agreement with the Portland Development Commission for the provision and operation of public improvements in the South Waterfront Urban Renewal District (Ordinance introduced by Commissioner Blumenauer and Commissioner Lindberg)

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Disposition: Ordinance No. 164185. (Y-5)

819 Vacate SE Sherrett Street between SE 67th and 70th Avenues, under certain conditions (Ordinance by Order of Council; C-9760)

Disposition: Passed to second reading.

820 Vacate SW Freeman Street from SW 48th Avenue to SW 49th Avenue, under certain conditions (Second Reading Agenda 761)

Disposition: Ordinance No. 164186. (Y-5)

Mayor J. E. Bud Clark

821 Confirm appointments of Ellen Fager, Bob Perron, Ron Rubin, Jerry Roslund, Courtland Mumford and Cynthia Rubin to the Kings Hill District Advisory Board (Report)

Disposition: Confirmed.

***822** Pay claim of Echols D. Ford (Ordinance)

Disposition: Ordinance No. 164187. (Y-5)

***823** Pay claim of State Farm Insurance Company (Ordinance)

Disposition: Ordinance No. 164188. (Y-5)

***825** Apply for continuation of the "Greater Portland Area Police Activities League" grant from the State Criminal Justice Services Division in the amount of \$38,822 (Ordinance)

Disposition: Ordinance No. 164189. (Y-5)

***826** Apply to the Oregon Traffic Safety Commission for a continuation grant of \$90,871 for the DUII Enforcement Team (Ordinance)

Disposition: Ordinance No. 164190. (Y-5)

Commissioner Earl Blumenauer

827 Accept completion of the Columbia Boulevard Wastewater Treatment Plant storm sewer system, approve Change Orders No. 1 through 3 and make final payment (Report; Contract No. 26336)

Disposition: Adopted.

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828 Accept completion of the Columbia Boulevard Wastewater Treatment Plant compostor odor control improvements, approve Change Orders No. 1 and 2 and make final payment (Report; Contract No. 26010)

Disposition: Adopted

829 Authorize an Intergovernmental Agreement with the Clark County Public Transportation Benefit Area (CTTRAN) to study the need for a new light rail river crossing between Hayden Island and downtown Vancouver, WA. and to perform other services related to planning for light rail service in the Portland/Clark County corridor (Second Reading Agenda 772)

Disposition: Ordinance No. 164191. (Y-5)

830 Enter into an Agreement with the Oregon Department of Transportation (ODOT), Highway Division, for the construction of the SW Terwilliger Boulevard Bikeway (Second Reading Agenda 774)

Disposition: Ordinance No. 164192. (Y-5)

***831** Authorize Agreement between Office of Transportation and Portland Development Commission to provide funding for certain street improvements associated with the Transit Mall Extension Project in the amount of \$605,478 (Ordinance)

Disposition: Ordinance No. 164193. (Y-5)

***832** Amend Agreement with the Oregon Department of Transportation, Highway Division, to provide right-of-way services for the NW 23rd at W Burnside Street improvement project (Ordinance; amend Agreement No. 20487)

Disposition: Ordinance No. 164194. (Y-5)

***833** Authorize payment of \$128,692 to OMSI as City of Portland's participation in reconstruction and relocation of Stephen's Slough sewer and outfall at the OMSI building site (Ordinance)

Disposition: Ordinance No. 164195. (Y-5)

***834** Accept two sewer easements for the Linn Park (#39) sanitary sewer project, granted by Manifold Business and Investment, Inc., and others, and pay \$850 (Ordinance)

Disposition: Ordinance No. 164196. (Y-5)

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***835** Accept a sewer easement for the Linn Park (#39) sanitary sewer system project, granted by the United States National Bank of Oregon (Ordinance)

Disposition: Ordinance No. 164197. (Y-5)

***836** Accept a sewer easement through vacated SW Arthur Street, granted by John P. Ashworth, et al, dba Pacific Rim Investors, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164198. (Y-5)

***837** Accept a street deed for the future widening of SW Dolph Court east of SW 40th Avenue, granted by Donald E. Addington, James R. Chapman and Susan Chapman, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164199. (Y-5)

***838** Grant revocable permit to Lombard North Business Association to hang banner across N Lombard Street at N Oatman Avenue June 6 through June 17, 1991 (Ordinance)

Disposition: Ordinance No. 164200. (Y-5)

Commissioner Dick Bogle

***839** Call for bids to furnish 40 computer workstations (Ordinance)

Disposition: Ordinance No. 164201. (Y-5)

Commissioner Gretchen Kafoury

***840** Amend the Comprehensive Plan Map and change the zone of property at 7637 SW 33rd Avenue and 7689 SW Capitol Highway, from R2 and R5, Residential, to CG, Commercial; and 7632 SW 33rd Avenue from R5, Residential, to R2, Residential, with an Adjustment (Ordinance; 8034-PA)

Disposition: Ordinance No. 164202. (Y-5)

Commissioner Mike Lindberg

841 Accept as complete contract with John Arnold Co. for installation of 16-inch water main in NW Skyline Boulevard and authorize final payment (Report; Contract No. 26779)

Disposition: Adopted.

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***842** Authorize an Agreement with Mayer/Reed Landscape Architects for \$21,800 to provide landscape architectural services for renovation of Peninsula Park playground (Ordinance)

Disposition: Ordinance No. 164203. (Y-5)

***843** Amend Contract with Richard J. Fowler, AIA, to include additional services for Designs and Specifications beyond the original scope of work for Sellwood, St. John's, Mt.Scott and Community Music Centers (Ordinance; amend Contract No. 26782)

Disposition: Ordinance No. 164204. (Y-5)

***844** Call for bids for improvements in King School Park (Ordinance)

Disposition: Ordinance No. 164205. (Y-5)

***845** Call for bids for a children's play structure and other improvements in Argay Park (Ordinance)

Disposition: Ordinance No. 164206. (Y-5)

***846** Amend Code provision relating to conduct in parks (Ordinance; amend Code Chapter 20.12)

Disposition: Ordinance No. 164207. (Y-5)

***847** Authorize Intergovernmental Agreement with Metropolitan Service District for Home Composting Demonstration Sites Project (Ordinance)

Disposition: Ordinance No. 164208. (Y-5)

***848** Authorize an Agreement with Suzie Dale-Stiles, dba Willamette River Services, for a boat tour concession at the Riverplace Marina, from March 1, 1991 to December 31, 1991 (Ordinance)

Disposition: Ordinance No. 164209. (Y-5)

***849** Waive Section 5.68 authorizing an Agreement in the amount of \$320,000 with Greenscape Ltd. for constuction at Heron Lakes golf course (Ordinance; waive Code Section 5.68)

Disposition: Ordinance No. 164210. (Y-5)

***850** Call for bids for an Automated Chemistry Analyzer, authorize a contract and provide for payment (Ordinance)

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Disposition: Ordinance No. 164211. (Y-5)

- *851** Authorize amendment to Contract with James M. Montgomery Consulting Engineers, Inc., for \$38,300 for additional engineering services for the Surface Water Treatment Rule Compliance Improvements and provide for payment (Ordinance; amend Contract No. 26783)

Disposition: Ordinance No. 164212. (Y-5)

City Auditor Barbara Clark

- 852** Transmit a report on the financial feasibility of constructing the Saratoga/Dekum District HCD Local Improvement District (Report; C-9742)

Disposition: Placed on File.

- 853** Transmit a report on the financial feasibility of constructing the N Depaw Street Local Improvement District (Report; C-9750)

Disposition: Placed on Filed

- *854** Reduce and cancel sidewalk assessments (Ordinance; amend 163918)

Disposition: Ordinance No. 164213. (Y-5)

- 855** Assess property for sidewalk maintenance through February 28, 1991 (Second Reading Agenda 800)

Disposition: Ordinance No. 164214. (Y-5)

- 856** Assess property for sewer system development charges through February 28, 1991 (Second Reading Agenda 810)

Disposition: Ordinance No. 164215. (Y-5)

REGULAR AGENDA

- *824** Authorize Amendment No. 3 to the Agreement with the Association for Portland Progress (APP) to manage and provide certain Downtown Economic Improvement District services (Ordinance)

Discussion: Mayor Clark asked that this be continued to work out some legal details.

Disposition: Continued to June 5, 1991 at 9:30 a.m.

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813 **TIME CERTAIN: 9:30 AM** - Report of the Commissioner of Public Works on dedication of the Transit Mall to the memory of William E. "Bill" Roberts (Report introduced by Commissioner Blumenauer)

Disposition: Placed on File.

814 Dedicate Transit Mall to the memory of William E. "Bill" Roberts (Resolution introduced by Commissioner Blumenauer)

Discussion: Bill Naito, 5 NW Front, said Bill Roberts epitomizes the words on the Skidmore Fountain which state that the citizens of a City are its riches. He noted that Mr. Roberts served as a mentor to many others who have worked for the City's beautification.

Other individuals speaking in support of this dedication included:
Patrick LaCrosse, Director, Portland Development Commission
Ruth Scott, Association for Portland Progress
Jim Cowan, General Manager, Tri-Met

Speakers cited Mr. Roberts' integrity, savvy and devotion to public affairs. Several noted that without his vision and commitment, there would have been no transit mall.

Commissioner Blumenauer added his expression of thanks for what Mr. Roberts accomplished.

Commissioner Lindberg said Mr. Roberts' attention to quality and details has resulted in the City's having the best transit mall in the nation.

Disposition: Resolution No. 34852. (Y-5)

857 Accept bid of Environmental Pollution Control, Inc., for one 54,000 GVW flusher truck for \$125,586 (Purchasing Report - Bid 137)

Disposition: Continue to May 29, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

S-858 Appoint the Arena Task Force, set its mission and charge, and establish role of the Metropolitan Service District and the Portland Development Commission (Resolution)

Discussion: Cay Kershner, Clerk of the Council, said a substitute resolution had been distributed. Commissioner Blumenauer moved the substitution; Commissioner Lindberg seconded and the motion carried.

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Patrick LaCrosse, Portland Development Commission Director, said they appreciate the unanimity of Council on this issue.

Commissioner Kafoury asked if Metro was comfortable with PDC taking the lead on this.

Mr. LaCrosse said Metro planned to pass a resolution with the very same language.

David Knowles, Metro Council, said Metro is comfortable with PDC representing the totality of the interests involved in this project. He said Metro is currently evaluating the status of the regional facilities and has appointed a Regional Facilities Task Force to make recommendations for operational procedures and new funding sources. Mr. Knowles said these facilities need new revenues and, because the Coliseum is a source of revenues, its future is pivotal. He said it is critical that PDC and Metro negotiate all the public policy considerations at the same time. Some of the issues include: the effect of the new arena on large conventions; whether it will compete with the Memorial Coliseum; and whether an entertainment tax should be imposed. Since these are City facilities, the ultimate decision will be with Council.

Mayor Clark said some very difficult decisions need to be made but that he is hopeful a positive solution can be found.

Mr. Knowles said he believes the negotiations will be very tough but that everyone is working to make sure that both sides get a fair deal.

Commissioner Lindberg, as Council's representative on the Metro Regional Facilities Committee, said he will keep Council informed so that he can get feedback before final decisions are made on those facilities.

Mayor Clark said he thought Multnomah County's E-R facility should be within the Committee's scope as well.

Disposition: Substitute Resolution 34853 (Y-5)

859 Endorse activities modeled after the Downtown Housing Preservation Program in Central City Urban Renewal Districts (Previous Agenda 750-1)

Discussion: Mayor Clark said this had been carried over to provide proper notice.

Disposition: Resolution No. 34854. (Y-5)

- 860 Make certain determinations and findings related to and adopting the First Amendment to the South Park Blocks Urban Renewal Plan (Second Reading Agenda 751)

Disposition: Resolution No. 34855. (Y-5)

Commissioner Earl Blumenauer

- 861 Establish the Mid County Sewer Project Cost Alternative Task Force (Resolution)

Discussion: Commissioner Blumenauer said it has become clear that the financing options originally set up when this sewer project was established in 1986 are not enough. At that time it was determined that sewer costs would be deferred but not subsidized.

Current financing options include low interest loans, the safety net program and an estate property tax credit. Now that the project is in its fifth year, Commissioner Blumenauer said he believes it is time to review funding options and, to accomplish this, he proposes establishment of this Task Force. He said he is committed to examining all options and plans to report back to Council within the next six months.

Nancy Phelps, 4711 NE Simpson, said this resolution is too little, too late. She said immediate help is needed and the committee will take too long to come up with a solution.

Pat Leedham, 5941 NE Simpson, said her complaints received no response from Commissioner Blumenauer's office. She said her sewer hookup was misplaced and that she was charged not only for the width but for the depth of her property.

Mayor Clark reminded Ms. Leedham that this project had been mandated by the state of Oregon.

Melvin Brannon, 4609 NE Simpson, objected to the amount of his assessment. He said the average property owner in Parkrose paid less than \$3,000 for a 90 foot frontage while his cost \$16,000.

Richard Roberts, 4334 NE Holman, complained that the City sent him a letter telling him they were going to change the location of his sewer because of a tree on his property, even though there are no trees there. He said six months is too long a time for remedial action to be taken and that many people are actually getting sick because they do not know where they are going to get the money to pay for their sewers.

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A. J. Ross, 102nd Ave, said he believes sewer rates should be based on water consumption and that it is unfair to punish those who conserve water by making them pay the same as those who do not.

Commissioner Blumenauer said his point was well taken and ultimately they do hope to base rates on consumption.

Commissioner Lindberg said the concerns of the people in the affected area are valid and solutions must be found. He said he thought there was a lot of potential in the financing options.

Disposition: Resolution No. 34855. (Y-5)

862 Amend City Code to revise sewer usage charges (rates) in accordance with the biennial sewer user charge/rate study (Ordinance; amend Code Chapter 17.36)

Discussion: Mary Nolan, Director of Environmental Services, said this action sets sewer rates for this and the following year. She said because of the concerns raised, they would like to hold the second reading two weeks from today for additional testimony.

Ms. Nolan said they have been guided by three concerns: 1) meeting federal and state mandates; 2) maintaining a reliable and efficient system; and 3) preparing to meet future obligations. She said they have tried to squeeze down costs wherever they can even though they are recommending a significant increase in charges today.

David Gooley, Financial Operations Manager, Bureau of Environmental Services, explained how the rates were allocated. He said rates for residential users are based on averages while discharges for commercial and industrial users are measured. He said the 42 percent increase in the sanitary volume rate is being proposed because of the cost of dealing with water quality problems, pollution, flow and strength of sewage. He said they also recommend moving to a consumption-based rate for residential users.

Commissioner Bogle asked why rates cannot be based on consumption usage now.

Mr. Gooley said one of the difficulties is that during the summer months residential users use water that does not get into sewers. He said one methodology they propose to examine is basing the rate on winter-time usage.

Commissioner Bogle said the numbers for previous year consumption are available.

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Mr. Gooley agreed but said they want to make sure they are charging customers the appropriate amount, not what some other customer living there the prior year paid.

Commissioner Blumenauer said the Bureau could easily make the sewer charge a percentage of the water bill but it would not be fair to a lot of people.

Commissioner Bogle said the winter rates should be very accurate.

Mr. Gooley said they need to also know what the summer discharge to the sewer system would be. He outlined some of the policy issues the Bureau is examining, including charging residential class customers based on actual consumption.

Commissioner Lindberg asked about the capital improvements.

Mr. Gooley said next year's budget for capital improvements represents close to a doubling of capital activity from the current year.

Individuals speaking in opposition to the mid-county sewer assessments included:

Kathy Sheehan, 5030 NE Ainsworth Court
Harold Klein, 4669 NE Simpson
Scott Wilson, 4511 NE Ainsworth
John Hefner, 4518 NE Simpson
Richard Roberts, 4334 NE Holman
Marguarite Hill, 4353 NE Jarrett
Michael Mignano, 2615 SE 109th, and Nora Hulough, 5126 SE 86th,
representing St. Peter's Church Parish, Lents and
Powellhurst/Gilbert Neighborhood Associations and the Portland
Organizing Project.
James Brunkow, 4267 NE Ainsworth

They cited the extreme hardship the assessments have caused for them and other property owners. They called the charges unfair and excessive and asked for an expanded safety net program and a cap on the maximum amounts paid by individual households. Several asked that a portion of the sewer installations be funded through sewer rate increases.

Pat Merkle, 3637 SW Canby, a member of the Bureau of Environmental Services Budget Advisory Committee, said she has learned that the City's sewer rates are much lower than most other cities. She said she believes the program put together by staff is very good.

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Commissioner Blumenauer said the Bureau will go back through each of the instances raised today and provide a synopsis of the situation for Council. He said mistakes have been made in some cases and that they have found some improvements to be made in terms of the nuts and bolts. Overall, however, he is proud of the job the people working in the mid-county sewer office have done. He cited the need to act now to take care of the problems so that the pollution and costs will not be worse 20 years from now.

Commissioner Bogle asked why the rate proposals were for two years. He suggested moving to a consumption based rate structure during the second year.

Ms. Nolan said they do two-year rates because of their long-range capital obligations and to make certain they are not squeezing down too hard in the first year only to find that the rates have gone through the roof in the second year.

Commissioner Bogle noted, however, that the historical base is being changed.

Ms. Nolan said if the Bureau moves to consumption-based rates, this would change individual bills but it would not change total revenue. She said they are negotiating with the Department of Environmental Quality on a 20-year commitment which may add obligations to what is proposed. There is also a lawsuit which could, depending on the outcome, affect their responsibilities.

Mayor Clark said he was inclined to approve the one-year rate and then have another proposal come forward in November. He said the bifurcated process, with the budget coming first and then the rates later, is very frustrating.

Ms. Nolan and Commissioner Blumenauer said this will not happen this way again. Ms. Nolan said they will explore the rate structures during the next two years.

Mayor Clark asked what would be lost if residential rates were kept to 20%.

Ms. Nolan said they will report back on what the consequences to the budget would be.

Commissioner Kafoury commented that we do know what the financial needs will be whatever the rate structure is.

Ms. Nolan said yes but how it affects individual properties is a fair

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question.

Mayor Clark said written materials can be sent to the Council between now and the next hearing in two weeks.

Disposition: Passed on Second Reading June 5, 1991 at 9:30 a.m.

Commissioner Mike Lindberg

***863** Authorize Lease Agreement for a building located at 6322 NE Halsey Street, transfer funds for moving and lease expenses, and authorize payments (Ordinance)

Disposition: Ordinance No. 164217. (Y-5)

City Auditor Barbara Clark

864 Assess benefitted property for the costs of constructing the Luby/Strathmore sanitary sewer system (Hearing; Ordinance; C-9696)

Discussion: Karen Kramer, Manager, Mid-County Sewer Project, said Luby is a part of the mid-county sewer project and has over 900 properties, with over 400 already connected. She described their efforts to inform people about financing options and to respond to other property owner concerns. She said the average total cost for sewer installation is close to \$8,000. Ms. Kramer said they are very serious about improving their service, including providing a street overlay to cover up the scars of sewer construction, setting up a customer concern tracking system and cooperating with Risk Management on claims. She added that they had 23 remonstrances, very few considering the number of properties involved.

Commissioner Blumenauer congratulated Mid-County Sewer staff for what they have been able to do as a team.

Mayor Clark asked if anyone wished to remonstrate. No one responded.

Ms. Kramer added an additional remonstrance to the record.

Commissioner Blumenauer moved that the remonstrances be overruled and Engineer's report be accepted. Commissioner Lindberg seconded and the motion carried. (Y-5)

Disposition: Remonstrances overruled. Passed to Second Reading on May 29, 1991 at 9:30 a.m.

At 11:20 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND 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.

865

TIME CERTAIN: 2:00 PM - Accept the North Park Blocks Redevelopment Study and direct City bureaus and agencies to use the Study as a general guide for future public and private improvements in the area (Resolution introduced by Mayor Clark)

Discussion: Judith Rees, Portland Development Commission, said this study was initiated in 1988 when Council directed, as part of the Central City Plan, that the North Park Blocks be redeveloped to bring them up to the same level of quality as the South Park Blocks. The study was broken down into four major areas: parking and circulation; public improvements; redevelopment potential; and the park itself.

She asked to add a recommendation (No. 11) to the parking and circulation section to read as follows: Investigate options for mass transit in the North Park Blocks as an inducement for redevelopment, including the feasibility of trolley operations on NW Park Avenue as recommended in the Central City Trolley Alignment Analysis Report.

Mary Ann Cassin, Parks Bureau, described the design plans for the park blocks. She said they had received conceptual approval from the Design Review Commission and plan to begin construction in the Spring of 1992. Elements include a double pathway system, play courts, a children's playground and an art component. They have not, however, extended the curbs the entire width because the preservation of on-street parking is so important to adjacent land uses. Ms. Cassin said they had also asked the designers to do a conceptual plan for the last block which is not in City ownership at this time.

Ms. Rees said the study was a collaborative effort involving many City commissions and bureaus as well as representatives of the public. She said they anticipate that the cooperative efforts needed to develop the study will also be necessary to implement it.

Commissioner Lindberg asked about the block between Hoyt and Glisan, which is not owned by the City but is designated for future

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purchase. He asked how this purchase might occur.

Ms. Rees said they are now negotiating with General Services administration about this but that it does not seem overly eager to give it up.

Bruce Allen, PDC, said GSA is not willing to relinquish the block without replacement of parking. They also want to hold the space for future expansion of federal space. He said while PDC hopes eventually to sell GSA on the benefits of using the space as a park block, at the moment they are proving to be difficult to deal with on this issue.

Commissioner Blumenauer moved an amendment adding the recommendation (No. 11) stated by Ms. Rees concerning study of mass transit options and the feasibility of trolley operations on NW 9th. Commissioner Lindberg seconded and the motion carried. (Y-5)

Disposition: Resolution No. 34856 as amended. (Y-5)

Commissioner Gretchen Kafoury

866

Amend Title 33 of the City Code by extending the automatic expiration date of Chapter 299 temporarily prohibiting the disturbance of forests to November 18, 1991 (Ordinance; amend Code Chapter 33.299)

Discussion: Commissioner Kafoury said although Council has twice before extended this ordinance, unfortunately the Planning Bureau has not been able to complete all the work for the E-zone protections. She explained that the current ordinance is due to expire July 1 and, if nothing is done, there would be a window that would allow unrestrained development to take place. She said there are no substantive changes from the existing ordinance.

Individuals speaking in support of the extension of the ordinance included:

John Sherman, 1912 NW Aspen, Friends of Forest Park President
Arnold Rochlin, Route 22, Box 58
Lori Meuser, 11720 SW 29th

Supporters said if this ordinance is not extended, protection of the resource will be lost, and some property owners will begin clear cutting.

Logan Ramsey, 3026 NW Skyline Boulevard, said his family has a permit from the State for a partial cut, not a clear cut. He said currently they are allowed no use of the property other than paying property taxes.

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Mr. Ramsey said he believes this is part of a plan to adversely condemn their land for Forest Park. He asked that testimony before the Planning Commission for the Northwest Hills Natural Area Protection Plan be entered into the record for this hearing. He also entered letters from Peggy Olds and Paul Whitney, professionals in their fields, which he said describe other ways to protect Forest Park. He called a recent recommendation by Friends of Forest Park for selective harvesting in nearby property an appropriate approach.

Commissioner Blumenauer asked if adjustments could be made to curtail maneuvering ploys that could end up circumventing the intent of the ordinance.

Bob Stacey, Planning Bureau Director, said there is a two-acre minimum cutoff, so that parcels smaller than this are not regulated by the ordinance. He said they elected for a simple extension and to maintain existing regulations rather than seeking to correct some of the deficiencies they had found. He said his preference would be to reenact it first and amend it later.

Mr. Stacey asked whether corrective amendments addressing Council concerns could be made at the second reading.

Ruth Spetter, Senior Deputy City Attorney, said she was unsure but would review the requirements.

Commissioner Blumenauer said he would very much like to have an amendment at the second reading that would not delay the effective date but would clarify the ownership issues. If that cannot be done, a separate ordinance may be needed.

Mr. Stacey apologized for not having completed the work by the end of June as promised. He said the work has taken longer than expected and they now expect to be done by November 18, 1991.

Commissioner Blumenauer said he believes the time has been well taken in order to do it right.

Ms. Spetter said the Charter says no amendments can be made within five days of the final reading.

Mayor Clark said you could amend it at the second reading and continue it one week or put an emergency clause on it.

Commissioner Kafoury said they would try to prepare some new language by next week.

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Disposition: Passed to Second Reading May 29, 1991 at 2:00 p.m.

867 Accept report of the Portland Planning Commission on update of the Portland International Airport noise impact overlay zone (Report)

Disposition: Placed on File.

868 Amend Policy 8.21 of the Comprehensive Plan, amend Title 33, Planning and Zoning, and amend the noise contours and Portland International Airport noise impact zone on the zoning maps (Ordinance; amend Code Chapter 33.470)

Discussion: Nancy Weiser, Planning Bureau, said the original overlay zone, adopted by Council in 1980 and amended in 1986, attempts to limit noise-sensitive uses near the airport. She said the Port has been very successful in reducing noise and because of its efforts the noise contours have shrunk significantly. She said they are recommending changes in the contours on the zoning maps based on Port data but are not adopting the Port's study or its other recommendations. She said all standards are to remain exactly as they are and no changes are proposed to the substantive parts of the ordinance.

Ms. Weiser said the current noise impact zone covers about ten square miles. The proposed contraction will take over two square miles out while adding an area less than one-tenth of a mile.

Commissioner Bogle asked about military aircraft.

John Newell, Port of Portland Noise Manager, said a year ago the military converted from the F4 to the F15 and the military then agreed to a departure profile that excludes the use of afterburners.

Martha Johnstone, 9509 NE 13th Ave., said the East Columbia Neighborhood Association is pleased with the results of the overlay zone. She said the consensus is there are now less noise impacts and one result is the building of additional homes in the area.

Frank Howatt, 438 N. Hayden Bay Drive and a member of the Noise Abatement Advisory Committee, supported the change but said he thought the City was a little timid in not adopting more of the Port recommendations about noise disclosure.

Disposition: Passed to Second Reading May 29, 1991 at 2:00 p.m

869 Consider findings and set hearing date in response to LUBA rulings in appeal of Joseph Angel of denial of a zone change to develop a Burger King at SE 39th and Hawthorne (Findings; Previous Agenda 651)

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Discussion: The Clerk said the findings had not been filed and a request had been made for a continuance to June 5 at 2:00 p.m. and then to schedule the hearing on the findings for June 26 at 2:00 p.m.

Ms. Spetter said the hearing on the findings would have to come first. Council could make a tentative decision on the 5th and then a final decision on the 26th.

Disposition: Continue to June 5, 1991 at 2:00 p.m.

At 3:00 p.m., Council recessed.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council

MAY 23, 1991

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

REGULAR AGENDA

870

Appeal of Peter Kasal and Michael Fisk et al, against Hearings Officer's decision to approve the application of Jill Collins for a zone change from R10 to R7 in order to divide property into two lots at SW Mitchell Street and 26th Place (Hearing; Previous Agenda 688)

Discussion: Sheila Frugoli, Planning, said revised findings on Jill Collins' new application contain more specific references to the conditions of approval. She announced that, because there are no factual changes in the findings, she would not make a full presentation.

Richard Kasal, 2340 SW Sherwood Dr., speaking for the appellants, objected to contentions in the revised findings that adjustment of Lot A from 60 feet to 56 feet will meet the purpose of the minimum width requirement, and that the reduction of Lot B from 60 ft. to 44 ft. will not negatively impact the character of the area. He said, contrary to the revised findings, criteria for approval are not met and the development will change the character of the neighborhood.

Jill Collins, 2621 SW Mitchell, the applicant, contended that her proposal, with the three adjustments, does meet the criteria of the Comprehensive Plan. She said the design would be consistent with other houses in the neighborhood and her proposal meets urban density goals for the 90's.

In rebuttal, Richard Kasal said the applicant's proposal would be inconsistent with the rural quality of the neighborhood and no lots in that area are as narrow as the ones she proposes.

Individuals speaking in opposition to approval of the application included:

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Mike Fisk, 4911 SW Richardson Dr.
June Kolberg, 5030 SW Richardson Dr.
Peter Kasal, 2545 SW Mitchell St.
Tom Sims, 2714 SW Mitchell St.
Victor Miller, 5019 SW 26th Dr.
Bradley Coffey, 4910 SW Richardson Dr.
Bill Englund, 5115 SW Richardson Dr.
Jack Younic, 5100 SW Richards Dr.

Opponents contended that applicant's map showing R7 properties is misleading and that there is an obvious dividing line between the R7 and R10 areas. They said long-time neighbors moved to the area because of its spaciousness which is now being threatened.

In rebuttal, Collins said other examples similar to what she plans already exist in the neighborhood and contended that the legality of the Comprehensive Plan is not the issue, but rather whether her proposal meets its requirements.

Commissioner Kafoury moved to uphold the revised findings and deny the appeal. Commissioner Bogle seconded, and the motion carried.

Commissioner Blumenauer said the Hearings Officer's careful explanation justifies the modest adjustments in the neighborhood, and arguments that the character of the neighborhood will be destroyed are extreme.

Mayor Clark said Council decisions are not arbitrary, and must be based on its interpretation of the law.

Disposition: Appeal denied. (Y-4)

871 Liquor license application for Stanford's Restaurant & Bar, Inc., 1831 SW River Drive, Dispenser Class A liquor license (new outlet); Favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said the issue is whether any grounds to deny the application exist, as problems associated with the Shanghai Lounge are being addressed and PDC and developers are working together to eliminate traffic problems. He said there will be time to correct problems before the restaurant/bar opens. He said the applicant already operates a restaurant in that area, as well as other establishments, with no complaint regarding liquor law violations or disorders.

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Bill McCormick, 750 SW Washington, said numerous incident reports indicate there are problems in the area, and major parking problems simply will not go away.

Commissioner Blumenauer said liquor license hearings do not usually include consideration of parking problems and asked if parking should be added to the criteria considered for applications.

Mr. McCormick said he just wanted Council to consider the problem in this area.

Supporters of the application included:

Dennis O'Neill, 1750 SW Harbor Way, #350
Robert E. Farrell, 4120 E. Beaumont

Supporters said although they understand the concerns of residents, a restaurant would benefit nearby retail businesses and the economic success of the area. They said a new parking lot and development of a road for through-traffic should solve the parking problems.

Neighbors expressing concern included:

Fred Granata, 1710 SW Harbor Way
Carl F. Johns, 1616 SW Harbor Way
Michael McElwee, 0305 SW Montgomery

Neighbors stressed that although the neighborhood is zoned for mixed use and residents value the downtown ambiance, discrimination is needed in granting applications because problems created by the Shanghai Lounge are extreme. They cited problems with the Shanghai Club, including noise, rowdiness and vulgarities late at night, erratic driving, public urinating, and littered drug and liquor paraphernalia.

Michael McElwee, Chairman, Homeowner's Association Security Committee, said the association wants formal assurance that the proposed restaurant/bar will not involve live entertainment or late hours, that the southern egress road will be constructed within a reasonable timeframe and that Planning, Transportation and PDC will communicate with the neighborhood association about the situation.

Ronald Jackson, Portland Development Commission, said roads for through-traffic will be constructed, but the project has been delayed while negotiations continue over environmental cleanup. He said PDC cannot provide a specific date for construction of the road because negotiations are complex and agreements have to be finalized.

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Commissioner Blumenauer said he looked forward to working to resolve the transportation problems.

Commissioner Bogle moved to accept the recommendation of the License Bureau for a favorable recommendation. Commissioner Blumenauer seconded it, and the motion carried.

Disposition: Favorable Recommendation. (Y-4)

***871-1** Amend Title 33 of the City Code by extending the automatic expiration date of Chapter 299 temporarily prohibiting the disturbance of forests to November 18, 1991, changes regulated area from lot to ownership. (Ordinance)

Commissioner Bogle moved for suspension of the Rules. Commissioner Blumenauer seconded it, and the motion carried. (Y-4)

Discussion: Commissioner Kafoury said during yesterday's consideration of Agenda Item 866 they had discussed extending the disturbance of forest prohibition until they could make amendments to the ordinance, but they would lose more trees if they wait that long.

Al Burns, Planning, said they were introducing a new ordinance similar to Item 866, but with an emergency clause. He said the new ordinance avoided the problem of lot line adjustments and the selling of interspersed ownerships by changing the regulations applies to ownership, not to lot. He said the City Code defines ownership as lots in contiguous ownerships.

Commissioner Kafoury said they added an emergency clause because the 30-day wait would not save the forests.

Mayor Clark asked if there is a conflict with the other ordinance.

Commissioner Kafoury asked if this ordinance would rescind the first one.

Commissioner Blumenauer said this ordinance fixes that ordinance, as any subsequent amendment could be adjusted to take this ordinance into account.

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Commissioner Kafoury moved to adopt the amended Title 33.
Commissioner Blumenauer seconded it, and the motion carried. (Y-4)

Disposition: Ordinance No. 164218. (Y-4)

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

BARBARA CLARK
Auditor of the City of Portland



By Joan Engert
Acting Clerk of the Council