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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JUNE, 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.

Agenda Nos. 930, 939, 949, 951 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 916** Return Purchasing Report Bid 147 and recommend no further consideration (Previous Agenda 875)

**Disposition:** Placed on File.

- 917** Accept bid of Utility Equipment, Inc., for one five cubic yard basin and sewer cleaner truck for \$177,115 (Purchasing Report - Bid 139)

**Disposition:** Adopted; prepare contract.

- 918** Accept bid of Sullivan's Laundry and Dry Cleaners for furnishing laundry service for \$59,488 (Purchasing Report - Bid 145-A)

**Disposition:** Adopted; prepare contract.

- 919** Accept bid of Werbin-West Contracting, Inc., for SW Maplewood Road, SW 49th Avenue, SW 51st Avenue, SW Custer Street and NW Thurman Street water mains for \$171,451 (Purchasing Report - Bid 146)

**Disposition:** Adopted; prepare contract.

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**920** Accept bid of Moore Excavation, Inc., for construction of the NE 13th Avenue Basin Phase V storm sewer system for \$629,948 (Purchasing Report - Bid 147)

**Disposition:** Adopted; prepare contract.

**921** Accept bid of Wajax-Pacific Fire Equipment for furnishing 325 personal alert safety systems for \$42,087 (Purchasing Report - Bid 152)

**Disposition:** Adopted; prepare contract.

**922** Accept bid of Russell Construction, Inc., for Interstate Yard women's shower/restroom construction for \$64,832 (Purchasing Report - Bid 153)

**Disposition:** Adopted; prepare contract.

**923** Accept bid of McCoy Electric Company, Inc., for twin ornamental series conversion SW 11th Avenue, SW Washington Street and SW Stark Street for \$211,538 (Purchasing Report - Bid 156)

**Disposition:** Adopted; prepare contract.

**924** Accept bid of Grasle Electric division of Dynalectric Company for Parks pathway and roadway lighting for \$789,850 (Purchasing Report - Bid 159)

**Disposition:** Adopted; prepare contract.

**925** Accept bid of Marshall Associated Contractors for construction of SW 34th Avenue storm sewer system for \$41,674 (Purchasing Report - Bid 165)

**Disposition:** Adopted; prepare contract.

**926** Accept bid of Copenhagen Utilities & Construction, Inc., for NE 21st Avenue and NE Argyle Street sewer reconstruction for \$124,400 (Purchasing Report - Bid 171)

**Disposition:** Adopted; prepare contract.

**927** Accept bid of B L & B Contractors, Inc., for NE Alameda, NE 37th Court to NE 35th Avenue relief sewer for \$149,180 (Purchasing Report - Bid 172)

**Disposition:** Adopted; prepare contract.

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**Mayor J. E. Bud Clark**

**928** Confirm appointment of Nancie Muhle to the Portland/Multnomah Commission on Aging (Report)

**Disposition:** Confirmed.

**929** Official intent to reimburse expenditures at Heron Lakes Golf Course (Resolution)

**Disposition:** Resolution No. 34859. (Y-5)

**\*931** Authorize contract with EMCON/Sweet-Edwards for consulting services for the Fuel Management Project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164245. (Y-5)

**\*932** Establishes the 1991-1992 Beneflex allowance for the cafeteria fringe benefit plan for nonrepresented, COPPEEA represented and PPCOA represented employees (Ordinance)

**Disposition:** Ordinance No. 164246. (Y-5)

**\*933** Authorize an agreement with the Oregon Department of Corrections to provide access to the Portland Police Data System (PPDS) (Ordinance)

**Disposition:** Ordinance No. 164247. (Y-5)

**\*934** Authorizes the Mayor and the Auditor to execute an agreement with Standard Insurance for the provision of employee basic and supplemental life insurance for the period July 1, 1991 through June 30, 1993 (Ordinance)

**Disposition:** Ordinance No. 164248. (Y-5)

**Commissioner Earl Blumenauer**

**935** Approve the proposed settlement of certain street lighting issues between the City of Portland and Portland General Electric Company (Resolution)

**Disposition:** Resolution No. 34860. (Y-5)

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**936** Declare the purpose and intention of the City of Portland to construct the Royal Highlands sanitary interceptor sewer system (Resolution; C-9715)

**Disposition:** Resolution No. 34861. (Y-5)

**\*937** Authorize contract with David C. Smith & Associates, Inc., to provide aerial mapping service for Johnson Creek Basin and surrounding area along Johnson Creek east of the City of Portland, transfer funds and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164249. (Y-5)

**\*938** Amend Contract No. 25860 with Hansen Software, Inc., for Sewer Database and Wastewater Collection Management System (WCMS) and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164250. (Y-5)

**\*940** Accept a sewer easement for the SW Arnold Heights Terrace sewer project, granted by Thomas Arthur Bechtol and Geraldine Bechtol, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164251. (Y-5)

**\*941** Accept two sewer easements for the NW Harbor Boulevard sewer reconstruction project, granted by Joseph Dallal, Patricia Dallal, Dennis D. Lauck and Beverly A. Lauck, authorizing total payment of \$200 (Ordinance)

**Disposition:** Ordinance No. 164252. (Y-5)

**\*942** Accept three sewer easements for the Linn Park (#39) sanitary sewer system project, granted by Alvin Z. Bunnell, Karen L. Bunnell and Steven A. Haus, authorizing total payment of \$2,085 (Ordinance)

**Disposition:** Ordinance No. 164253. (Y-5)

**\*943** Accept a street deed for the future widening of NE 42nd Avenue south of NE Emerson Street, granted by Paul J. Anderson and Dorothy B. Anderson, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164254. (Y-5)

**\*944** Accept a temporary construction easement for the NW Harbor Boulevard sewer reconstruction project, granted by Larry W. McCrary and Janet G. McCrary, authorizing payment of \$100 (Ordinance)

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**Disposition:** Ordinance No. 164255. (Y-5)

- \*945** Accept three sewer easements for the SW Fairview Boulevard south of SW Bennington Drive sewer project, granted by John Hinchliff and Florence G. Hinchliff, Stanley Zaklan and Martha L. Zaklan and Gordon M. Baker, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164256. (Y-5)

- \*946** Accept a sewer easement and a temporary construction easement for the Richardson (#36) sanitary sewer system project, granted by Lorean Sage and Joan Arlene Edlund, authorizing total payment of \$200 (Ordinance)

**Disposition:** Ordinance No. 164257. (Y-5)

- \*947** Authorize the Commissioner of Public Works and Auditor to execute, record and deliver to George D. Green and Charlene C. Green, a quitclaim deed releasing the City's interest in a portion of certain utility easements, as reserved by the plat of Terraceview (Ordinance)

**Disposition:** Ordinance No. 164258. (Y-5)

- \*948** Revocable permit to Efem Company for existing parking lot on alley at 6850 N Lombard Street (Ordinance)

**Disposition:** Ordinance No. 164259. (Y-5)

**Commissioner Mike Lindberg**

- \*950** Amend agreement with Byron Wood Enterprises, Inc., for golf concession services at Heron Lakes Golf Course (Ordinance; amend Agreement 24904)

**Disposition:** Ordinance No. 164260. (Y-5)

**REGULAR AGENDA**

- \*930** Authorize Amendment No. 3 to the Agreement with the Association for Portland Progress (APP) to manage and provide certain Downtown Economic Improvement District services (Previous Agenda 824)

**Discussion:** Mayor Clark asked that this be returned to his office.

**Disposition:** Referred to Finance and Administration.

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**\*S-939** Amend Contract No. 26808 with Shiels and Oblatz for professional services to manage the Central City Transportation Policy and Plan Study, not to exceed \$215,000 (Ordinance)

**Discussion:** Cay Kershner, Clerk of the Council, said a substitute had been filed. Commissioner Blumenauer moved the substitute; Commissioner Lindberg seconded and the motion carried. (Y-5)

**Disposition:** Substitute Ordinance No. 164261. (Y-5)

**City Auditor Barbara Clark**

**951** Assess benefitted property for the costs of constructing the SW Boones Ferry Road, Private Property and SW Dickinson Court sanitary sewer system (Second Reading Agenda 908)

**Disposition:** Continue to June 12, 1991 at 9:30 a.m.

**915** **TIME CERTAIN: 9:30 AM** - Approve the Executive Summary and Project Descriptions Summary of the Central Eastside Transportation Study as a technical document to provide guidance on transportation policy development and transportation improvement projects (Resolution introduced by Commissioner Blumenauer)

**Disposition:** Commissioner Blumenauer said with the proposed new esplanade and the new OMSI facility, this Central Eastside area is becoming a "hot spot". He said the study suggests some very cost-effective approaches to improving circulation and access to the district.

John Gillan, Project Manager for the Central Eastside Transportation Study, said the study includes a review and evaluation of existing policies and conditions with recommendations for specific improvements in the area. Recommendations include improvement projects for traffic and transit facilities as well as for a pedestrian and bicycle network. Mr. Gillian highlighted some of the 38 transportation improvements, including improved access to the southern triangle area, bridgehead improvements, signal revisions and a north-south transit route.

Individuals speaking in support of implementation of the study recommendations included:

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Michael Love, Central Eastside Industrial Council  
Dean Ivey, OMSI  
Greg Wentworth, Central Eastside Industrial Council  
Bob Elliott, Land-Use Chair, Hosford-Abernethy Neighborhood  
Association

Supporters urged implementation of the improvements, citing the need for addressing the traffic impacts of the new OMSI facility. They also asked for continued public involvement.

Dan Small, Co-Chair, Southeast Uplift Land-Use Committee, supported the plan despite concerns about the use of the Water Avenue extension as a through street from the freeway to Division and installation of the stop light at 8th and Powell.

Commissioner Blumenauer said additional citizen participation will be needed to translate the study into action.

**Disposition:** Resolution No. 34862. (Y-5)

**949**

Authorizes the City Attorney to commence legal action to protect the City's Well Field and to recover damages (Resolution)

**Discussion:** Commissioner Lindberg outlined the reasons why the back-up well fields are essential to meeting the City's water needs. Ground contaminants now threaten the wells, on which the City has spent \$36,000,000 for use as a secondary source of drinking water. The resolution today allows the City to take legal action to protect its ground water resource. He said he knows that some parties will be angry about the City's decision to pursue legal action rather than continue discussions but that after five years it is time to authorize this step.

Mike Rosenberger, Water Bureau Administrator, said the City has been harmed substantially by the loss of this resource and that, as the City grows, it will become less and less a back-up source and more of a necessity.

Jeff Rogers, City Attorney, said the loss of a \$36,000,000 investment is intolerable. He said litigation need not end discussions but that the City must protect its interests.

Kirk Thomson, Director, Environmental Affairs, Boeing Corporation, described his company's commitment to cleanup of the contamination problems and objected to litigation as a costly and disruptive process which will make resolution of the issues more difficult. He asked that the City take a more active role in the East Multnomah

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Technical Forum, the organization formed by the Department of Environmental Quality, in seeking solutions to these regional problems. He requested that Council delay authorizing litigation on this issue.

Jack Schwartz, Attorney representing Cascade Corporation, also asked Council to delay the filing of litigation at this time and to urge the Water Bureau to become a more cooperative partner in the effort to clean up the problem.

Jim McDonald, East Multnomah County Industrial Council, suggested mediation.

Commissioner Lindberg asked the City Attorney if there were any other way to resolve these issues other than litigation.

Mr. Rogers said a law suit will focus the issues and allow for discovery but will not preclude continued discussions or mediation.

Commissioner Blumenauer cited the imperative need to protect the City's water supply and noted that today's action simply authorizes a law suit but does not preclude other options.

**Disposition:** Resolution No. 34863. (Y-5)

**Commissioner Earl Blumenauer**

**952**

Amend City Code to revise sewer usage charges (rates) in accordance with the biennial sewer user charge/rate study (Second Reading Agenda 862)

**Discussion:** The following individuals testified regarding sewer installation costs of the mid-county sewer project:

Steven Puls, 5818 NE 46th  
Carolyn Fish, 5418 NE 41st  
Jacob Trupp, 5115 NE 48th  
Shreenyash Palshiker, 6414 SE Flavel  
Rose Rector, 5205 SE 86th  
Barbara Fritz, 4705 NE Ainsworth  
Marguerite Hill, 4353 NE Jarrett

They objected to excessive and unfair sewer installation charges which many low-income property owners cannot afford. Many called for a portion of the new sewer user rates to be used to offset costs of the sewer installation, rather than having the affected property owners bear the entire cost.



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Dan Bourbonais, American Linen, objected to the rates as they would apply to extra-strength customers. He said that out of 11,000 commercial/industrial users, he was amazed to learn that only 48 customers were extra-strength users. He said the costs should be spread across a broader range of business customers and asked Council to look for other alternatives.

Commissioner Blumenauer said this issue will be pursued.

Ron Pennington, 16424 SE Main, supported the rate increase and objected to using any part of the rate increase to offset costs of the mid-County sewer project. He said he believes the recently named Task Force is the proper vehicle to deal with mid-County options.

Pat Merkle, 3637 SW Canby, Bureau of Environmental Services Bureau Advisory Chair, said she believes Council has no choice but to approve this increase.

Bob Finzer, East Side Plating Works, said his sewer rate charges will increase 76 percent in two years. He said, however, that it is better for the City to move toward voluntary compliance now rather than having it mandated in the future. He asked that rates be kept competitive with those in surrounding areas and also asked for consistent compliance, cooperative enforcement and long-range planning.

Steve Roso, 10148 N. Allegheny, asked that Council hold off on imposing the second-year rate increases until it sees how the 24 percent increase in the first year goes. He suggested that some of the improvements be put under the direction of the Water Bureau.

Richard Steinfeld, Steinfeld Products, said his company spent \$450,000 in waste treatment capitalization between 1989 and 1990 to treat its effluents and described the additional costs that will incur due to this rate increase. He said they are working with the City to try to reduce the extra-strength surcharge and looking for viable alternatives to a 104 per- cent increase in two years. He also objected to diversion of user fees to supplement the General Fund.

Joe Marshall, attorney representing Anodizing, Inc., said his business is already faced with greatly increased costs in order to meet governmental regulations regarding hazardous wastes and other environmental monitoring costs. He said the increase in sewer rates to his business over the two-year period will total 112 percent. He said the money would be better spend on in-house solutions that would allow them to put the water back as clean as they received it.

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Dick Walls, American Industrial, concurred with the statements made by Mr. Bourbonais and Mr. Steinfeld.

Mary Nolan, Director, Environmental Services, described the Bureau's response to the concerns raised by those who testified two weeks ago. In regard to Council's request to implement consumption-based rates for residential users, Ms. Nolan said the Bureau will report back in two months with a time table for accomplishing this, sometime before July 1, 1992. Regarding the one versus two-year rate issue, she said bond covenants suggest a two-year rate is best. To meet Council concerns about the policy assumptions that determine the rates, an amendment is being proposed today that calls for review of a long-term financial plan by Council so that next year's budget will reflect the policy directions given at that time. An additional amendment is also being proposed to address the concerns raised by the Office of Finance and Administration about the impact of Measure 5. Finally, regarding the magnitude of the increases, Ms. Nolan asked Council to review all the add packages they had approved earlier and identify any they would prefer not to fund.

Regarding large industrial users, Ms. Nolan said the proportional increase for sewer flow for industries is equivalent to those proposed for residential rates. The reason it looks larger is because industrial users have a separate impervious surface charge for drainage services. Ms. Nolan said the Bureau also hopes to increase technical assistance to business customers, enabling them to do things on their own premises to reduce the charges. She added that the Mid-County Financing Alternatives Task Force will be addressing many of the issues raised this morning.

Commissioner Lindberg about whether an adjustment of the sewer fund to provide relief to property owners installing sewers would be retroactive.

Ms. Nolan said she would recommend that whatever changes the Task Force proposes be made available to all properties in the project area, including those that have already connected.

Mayor Clark said he was concerned about construction costs. He added, however, that decisions must be made now, otherwise the costs will increase even more.

Commissioner Blumenauer moved two proposed amendments which call for changes in impervious area charges (Section 171.36.010, subsection B.1, item k) and for submission of a long-term financial

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forecast by November 15, 1991. The Mayor read the proposed amendments. Commissioner Kafoury seconded and the motion carried. (Y-5)

Mayor Clark said he was going to ask the Office of Finance and Administration to prepare a revised budget process for sewer and water rates so that they will not come in separately.

Commissioner Blumenauer moved to add an emergency clause so that the rates go into effect as of the first of July. Commissioner Lindberg seconded and the motion carried. (Y-5)

Commissioner Blumenauer said he is committed to making sure the City has the best mix of service and effective environmental advocacy they need in order to clean up the environment. He said he is also committed to making sure that 20 years from now no one can say Council was asleep at the switch on these issues.

Commissioner Bogle said this is a whopping rate increase but Commissioner Blumenauer's commitment and the work of the Task Force make him comfortable about voting aye.

Commissioner Kafoury said bad decisions in the past should not lead Council to make bad decisions today by backing away from tough political choices.

Commissioner Lindberg said he believes the rate increases are needed to solve environmental problems that must be addressed.

Mayor Clark noted the amendment calling for a new financial plan which will project rate requirements for the next decade. He said the environmental agenda facing the City is going to be very costly but he wants everyone to have confidence that our rates are fair and responsive to the needs of the community.

**Disposition:** Ordinance No. 164262. (Y-5)

**\*953**

Continue negotiations to purchase two permanent sewer easements for reconstruction of the NW Harbor Boulevard, NW Elva Avenue and NW Hardy Avenue sanitary sewer system, commence condemnation proceedings, if necessary, and obtain early possession (Ordinance)

**Disposition:** Ordinance No. 164263. (Y-5)

At 11:25 a.m., Council recessed.

**JUNE 5, 1991**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JUNE, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

**954**

**TIME CERTAIN: 2:00 PM** - Appeal of North-Northeast Business Boosters against Hearings Officer's decision to deny application of Coverall Uniform Supply for a comprehensive plan map amendment and zone change in order to legalize and expand an existing parking lot at 2522 NE Martin Luther King Jr. Blvd. (Hearing; 8018-PA)

**Discussion:** Commissioner Kafoury moved that Planning Staff remove references to the housing pool and delete discussion of the sources of Portland's difficulty in maintaining our housing potential from the Hearings Officer's decision and return with amended findings on June 26th. Commissioner Blumenauer seconded.

Commissioner Kafoury explained that Planning Director Bob Stacey will meet with the Boosters to discuss how implementation of the no-net-loss housing policy and housing pool is to be monitored and how it relates to the Albina Community Plan.

Marilyn Latham, 2538 NE 47th, and Mathias Kemeny, 3625 N. Mississippi, speaking for the North-Northeast Business Association, said the Association felt it had to appeal the Hearings Officer's decision because of its damaging consequences to their members. They submitted a report outlining their position.

Commissioner Kafoury said she thought her motion addressed their concerns.

Mr. Kemeny said they just wished to submit the report for information.

Roll was called on Commissioner Kafoury's motion, which carried unanimously. (Y-5)

**Disposition:** Prepare findings for June 26, 1991, 2:00 p.m.

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955

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 869)

**Discussion:** Cay Kershner, Clerk of the Council, said a transcript of Council members' testimony about their site visits was available in the Auditor's Office.

Kathryn Imperati, Senior Deputy City Attorney, referred to Senior Deputy City Attorney Ruth Spetter's memo of April 11, 1991 regarding what needed to be clarified.

Mayor Clark said at the hearing there would be testimony, clarification of site visits as needed and then a vote on the findings.

Ms. Imperati said further clarification of prior disclosures and additional ex parte disclosures should also be made at that time.

Commissioner Kafoury said she would sit in on the meetings but would not review the record unless there was a tie vote and it became necessary to do so.

Council decided that since Commissioner Lindberg would be absent that day and Commissioner Kafoury would not be voting that it would be best to reset the hearing date to June 27 at 2 p.m.

**Disposition:** Set Hearing Date on Findings for June 27, 1991 at 2:00 p.m.

956

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 910)

**Discussion:** Edgar Waehrer, Planning staff, said several new items were entered into the record at last week's Council hearing, including the model and several computer photographs. He said Council then indicated its desire to support the Hearings Officer's decision and to add the conditions recommended by the Design Commission.

Ms. Imperati said only testimony on the pictures and the model would be accepted at this session. She said a formal motion was needed to incorporate the Design Commission recommendations but noted that the findings prepared by applicant's attorney do not

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include these. She recommended setting the case over one week so that if Council does adopt the Design Commission findings, they can be incorporated into the decision.

John Paape, architect, 5711 SW Corbett, presented a modified version of Exhibit 6 which was introduced last week.

Mayor Clark said he regarded this as new information and therefore not introducible.

Stephen Janik, attorney for the applicant, said the only new items were the computer photos and the model.

Mr. Paape said he thought Exhibit 6 was a modified version of a previously submitted set of elevations.

Mr. Waehrer said Council, and Chief Deputy City Attorney Pete Kasting, had concluded last week that those exhibits, even the modified versions, had been available several weeks before and were therefore already on the record. He said the exhibits, while not formally presented to Council, had been given to them as part of a memorandum.

Mr. Paape also presented a modified version of the computer-generated photograph.

Mr. Janik objected to this as new information.

Ms. Imperati asked staff to identify whether the photograph was new information. If it is, Council then should explicitly accept or reject it as part of the record. If new information is brought in, Mr. Janik can either comment on it today or request an additional week.

Mayor Clark said he would like to reject it.

Mr. Paape then commented on the model and the photograph. He said his aim was to bring the project more in scale with the neighborhood. He asked for modifications to reflect the Design Commission recommendations and also for a reduction by one story of all of the units on the eastern face.

Mr. Janik said what Mr. Paape has stated does not address the new evidence and asked Council to clarify the proper scope of the testimony to be heard today.

Larry Cavender, 5621 SW Corbett, said he wished to address the changes in the landscaping pertaining to the new setback.

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Commissioner Bogle asked the City Attorney to monitor the testimony as to its relevance to the new evidence.

Ms. Imperati said the purpose of today's hearing is simply to comment on the model and photographs introduced last week and not rehash other issues.

Mr. Cavender said he believed some new information on the 41-foot setback and how it pertains to the landscaping was discussed last week.

Mr. Waehrer said last week was the time to bring up landscaping issues as the information had been available a week or two before the hearing. He said the neighbors had also been aware of the two setback changes being proposed by the applicant from the conditions the Design Commission had recommended.

Virginia Brown, 5638 SW Corbett, asked about the performance bond which was a part of the original motion sent to the Design Commission.

Ms. Imperati said her testimony was not directed towards the issues at hand today.

Mr. Janik said it was not feasible to lower the Eastern units, nor had this been required by the Design Commission. He requested two minor changes: 1) a reduction in spacing between the two units on the East side from seven to six feet, four inches to preserve a large tree and 2) a change in the setback from 43 to 41 feet.

Ms. Imperati said that since the proposed changes are modifications to Design Commission conditions, they may be addressed.

Mr. Paape said both the proposed changes could make the buildings more massive than they already are.

Ed Sullivan, attorney for appellants, said he had no further comment.

Ms. Imperati said public testimony should be closed now and Council should then consider the two proposed sets of modifications, one from the Design Commission and the two amendments from Mr. Janik.

Mayor Clark announced that the hearing was closed.

Commissioner Kafoury moved to amend the findings to incorporate the Design Commission recommendations. Commissioner Bogle seconded and the motion carried on a roll call vote. (Y-5)

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Commissioner Bogle moved to adopt the modifications proposed by Mr. Janik. The modifications would: 1) change the setbacks on the units east of SW Viewpoint Terrace from 43 to 41 feet and, 2) establish the sideyard setback at six feet, four inches, instead of seven feet. Commissioner Kafoury seconded. Roll was called and the motion carried. (Y-5)

Mayor Clark asked if anyone wished to make a motion to lower one extra building by one floor. No one responded.

**Disposition:** Prepare revised findings for June 12, 1991 at 2:00 p.m.

**Commissioner Gretchen Kafoury**

**957**

Amend Planning and Zoning Code to create new regulations for temporary staging areas for public utility installation and clarify several minor issues (Second Reading Agenda 912)

**Disposition:** Ordinance No. 164264. (Y-4; Bogle absent)

At 2:45 p.m., Council recessed.



**JUNE 6, 1991**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF JUNE, 1991 AT 2:00 P.M.

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

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

Mayor Clark asked to hold the Consent agenda until Commissioner Bogle's arrival.

### **REGULAR AGENDA**

#### **Commissioner Earl Blumenauer**

- 959** Adjust rates for the repair of sidewalk and driveway (Ordinance; amend Code Section 17.28.140)

**Discussion:** Dick Smith, Sidewalk Supervisor, said this rate increase will allow the City to recover the costs of sidewalk repair work. He estimated that the revisions would amount to an eight percent increase in the cost of a typical repair job. He noted that property owners also have the option of doing the work themselves or contracting it privately.

**Disposition:** Passed to Second Reading June 13, 1991 at 2:00 p.m.

### **CONSENT AGENDA - NO DISCUSSION**

#### **Mayor J. E. Bud Clark**

- \*958** Amend City Code, Parades and Processions, to establish new permit fees, effective July 1, 1991 (Ordinance; amend Code Chapter 16.40)

**Disposition:** Ordinance No. 164265. (Y-4; Lindberg absent)

- 960** Amending Section 17.24.020, Fees for Street Use Permits, of the code of the City of Portland to provide for adjustments in street use permit fees, making housekeeping changes in the language of the Code, establishing an effective date (Ordinance; amend Code 17.24.020)

**Discussion:** Don Gardner, Bureau of Transportation Engineering, said these increases adjust the rates for construction related permits

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and will provide full cost recovery for this type of permit. He said they have projected \$300,000 in additional revenues in their FY1991-92 budget. He said Deloitte and Touche is currently conducting a comprehensive review of the bureau's operations and that this rate structure has been recommended by them. While the increases are substantial, Mr. Gardner pointed out that no changes have been imposed since 1976 to recover a higher percentage of actual costs or to reflect the rise in inflation.

Mr. Gardner said the major change is in the fees being charged for utility construction permits, which are independent of franchise and licensing fees which utilities pay to the General Fund. He also called attention to the new minimum fee charge of \$440 for underground storage tank removals. He said there are approximately 2,000 of them in Portland located in public right-of-ways.

Paul Hathaway, Senior Vice-President, Northwest Natural Gas Company asked that the utilities be allowed to deduct the permit fees from the franchise fees they already pay to the City. He asked Council to reconsider this increase, noting that it would double Northwest Natural Gas current fees. He also requested that the utilities be allowed to work with the bureau on the Deloitte Touche operational review.

Mr. Gardner noted the negative impact on General Fund revenues of deducting construction cost fees from the franchise fees.

**Disposition:** Passed to Second Reading.

**Commissioner Dick Bogle**

**961** Liquor license application for Rosalind Mitchell, dba Americana Grocery, 5226 SE Foster Road, package store liquor license (new outlet); Favorable recommendation (Report)

**Discussion:** John Werneken, License Bureau, noted that no one was present to testify in opposition to the Bureau's recommendation.

**Disposition:** Favorably recommended. (Y-5)

**Commissioner Gretchen Kafoury**

**962** Revise Code definitions of a boarded building and a derelict building (Ordinance; amend Code Sections 24.15.045 and 24.15.065)

**Disposition:** Passed to second reading.

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**963**

Require owners of buildings cited for housing violations to pay reinspection fees for additional inspections (Ordinance; add Code Sections 29.10.160 and 29.10.170)

**Discussion:** Betsy Radigan, Piedmont Neighborhood Association, supported these changes, particularly the addition of reinspection fees. She said this will help solve problems with unresponsive landlords.

Commissioner Blumenauer said in the long run this will be a cost effective step.

**Disposition:** Passed to second reading.

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

BARBARA CLARK  
Auditor of the City of Portland



By Cay Kershner  
Clerk of the Council