



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF JUNE, 1991 AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1018 Accept quote of W. G. Moe & Sons, Inc., for 5000 feet of 2-inch PVC pipe in Macleay Park Trail for \$42,500 (Purchasing Report - Bid Informal)

Disposition: Adopted; prepare contract.

1019 Accept bid of Albina Fuel Company for furnishing emulsified asphalt for \$144/ton (Purchasing Report - Bid 150-A)

Disposition: Adopted; prepare contract.

1020 Accept bid of John Arnold Company for 6" and 8" water mains at SW Greenhills Way and SW Maplecrest Dr. for \$159,896 (Purchasing Report - Bid 151)

Disposition: Adopted; prepare contract.

1021 Accept bids of West Coast Paper Co. for Group I items and Zellerbach Paper Co. for Group II items for furnishing janitorial paper products for \$84,760 (Purchasing Report - Bid 161-A)

Disposition: Adopted; prepare contract.

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1022 Reject bid of D. C. Hopkins Construction Co. for Portland Building lobby renovation (Purchasing Report - Bid 162)

Disposition: Adopted.

1023 Accept bid of John Arnold Company for NE Cornfoot Road, NE 47th Avenue to NE 55th Avenue, 20-inch water main for \$133,394 (Purchasing Report - Bid 166)

Disposition: Adopted; prepare contract.

1024 Accept bid of Advanced American Diving Services, Inc., for Tryon Creek wastewater treatment plant outfall extension for \$305,800 (Purchasing Report - Bid 168)

Disposition: Adopted; prepare contract.

1025 Accept bid of Marshall Associated Contractors for SE Rex Dr., SE Knapp St., SE Clatsop St., 12" and 6" water mains for \$217,826 (Purchasing Report - Bid 174)

Disposition: Adopted; prepare contract.

1026 Accept bid of System Construction Company for SE 24th Avenue sewer reconstruction for \$128,077 (Purchasing Report - Bid 176)

Disposition: Adopted; prepare contract.

1027 Accept bid of Merida, Inc., for Vax capacity upgrade for \$58,140 (Purchasing Report - Bid 177)

Disposition: Adopted; prepare contract.

1028 Accept bid of All Concrete Specialties, Inc., for NE 7th Ave., from NE Hancock St. to NE Fremont St. for \$175,174 (Purchasing Report - Bid 178)

Disposition: Adopted; prepare contract.

1029 Accept bid of Fuiten's Plumbing and Heating Co. for screen house ventilation for Columbia Blvd. wastewater treatment plant for \$308,408 (Purchasing Report - Bid 180)

Disposition: Adopted; prepare contract.

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1030 Accept bid of Harder Mechanical Contractors, Inc., for aeration blower installation at Columbia Blvd. wastewater treatment plant for \$62,198 (Purchasing Report - Bid 181)

Disposition: Adopted; prepare contract.

1031 Accept bid of The Lynch Co., Inc., for drag chain housing at Columbia Blvd. wastewater treatment plant for \$41,859 (Purchasing Report - Bid 182)

Disposition: Adopted; prepare contract.

1032 Accept bid of D.G.S. General Construction for printing and distribution tenant improvements for \$68,750 (Purchasing Report - Bid 185)

Disposition: Adopted; prepare contract.

1033 Accept bid of Lachat Instruments, Inc., for furnishing an automated chemistry analyzer for \$51,645 (Purchasing Report - Bid 187)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

1034 Results of sale of Local Improvement Bond Anticipation Notes (Report)

Disposition: Reconsidered at 2:00 p.m. session.

1035 Accept remodel of Records Management Facility and pay 2KG Contractors (Report; Contract No. 26748)

Disposition: Adopted.

1036 Approval to issue Hospital Revenue Bonds for Sisters of Providence in Oregon by Hospital Facilities Authority of Clackamas County, Oregon (Resolution)

Disposition: Resolution No. 34869. (Y-4)

***1037** Establish two positions and three salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 164291. (Y-4)

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***1038** Authorize an amendment to an intergovernmental agreement with the Department of Environmental Quality for financing sewer construction in mid-Multnomah County (Ordinance)

Disposition: Ordinance No. 164292. (Y-4)

***1039** Retire and transfer ownership of police horse "Bah-Ram" (Ordinance)

Disposition: Ordinance No. 164293. (Y-4)

***1040** Pay claim of Alexander and Elizabeth Bishop (Ordinance)

Disposition: Ordinance No. 164294. (Y-4)

***1041** Pay claim of Stella Martinez and State Farm Insurance Company (Ordinance)

Disposition: Ordinance No. 164295. (Y-4)

***1042** Amend contract with Western Telephone to provide additional telephone equipment and services in connection with the City's leased telephone replacement project (Ordinance; amend Contract No. 26609)

Disposition: Ordinance No. 164296. (Y-4)

***1043** Authorize a contract with Century West Engineering Corp. for consulting services for the Front and Davis/Old Town Parking Garage Project and provide for payment (Ordinance)

Disposition: Ordinance No. 164297. (Y-4)

***1044** Increase contract for design of the Rivergate Vehicle Storage Facility (Ordinance; amend Contract No. 26227)

Disposition: Ordinance No. 164298. (Y-4)

***1045** Contract with Managed HealthCare Northwest, Inc., to provide Workers' Compensation managed health care for \$24,000 (Ordinance)

Disposition: Ordinance No. 164299. (Y-4)

Commissioner Earl Blumenauer

1046 Accept the improvement of SE Schiller/92nd District HCD Improvement Project, approve Change Order No. 1, make final payment and release retainage (Previous Agenda 986)

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Disposition: Adopted.

- 1047** Accept completion of the Brooklyn/Altamead Interceptor, approve Change Orders 1 through 5 and make final payment (Report; Contract No. 24541)

Disposition: Adopted.

- 1048** Accept completion of NE Flanders Street and NE 113th Avenue sanitary sewer and make final payment (Report; Contract No. 26722)

Disposition: Adopted.

- 1049** Set hearing date, 9:30 a.m., Wednesday, July 24, 1991, to vacate the north nine feet of SW Madison Street between SW Ardmore Avenue and SW Vista Avenue (Report; Petition; C-9758)

Disposition: Adopted.

- 1050** Direct the City Engineer to prepare plans, specifications and estimates for construction of a sanitary sewer system along NE 33rd Drive and NE Sunderland Road from existing system to NE Marine Drive and along NE Marine Drive from NE 33rd Drive easterly 3,720 feet (Resolution)

Disposition: Resolution No. 34870. (Y-4)

- *1051** Authorize a lease agreement with Rogers Construction, Inc., for 1,200 square feet of office space (Ordinance)

Disposition: Ordinance No. 164300. (Y-4)

- *1052** Accept a sewer easement for the NW Harbor Boulevard sewer reconstruction project, granted by Richard B. Kennedy and Dorothy Jean Kennedy, authorizing payment of \$500 (Ordinance)

Disposition: Ordinance No. 164301. (Y-4)

- *1053** Accept a sewer easement for the NW Harbor Boulevard sewer reconstruction project, granted by Darrell P. Tracer and Cynthia L. Tracer, authorizing payment of \$485 (Ordinance)

Disposition: Ordinance No. 164302. (Y-4)

- *1054** Authorize a purchase order for sewer repair services with Gelco Insituform, Inc., and provide for payment (Ordinance)

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Disposition: Ordinance No. 164303. (Y-4)

Commissioner Gretchen Kafoury

- *1055** Amend Ordinance No. 162470, which granted a Comprehensive Plan Map Amendment and Zone change on property at 7238 SE Foster Road, from R1 Residential, to M3 Manufacturing, to modify Conditions 1 and 7 (Ordinance; 91-00175 CP AD)

Disposition: Ordinance No. 164304. (Y-4)

Commissioner Mike Lindberg

- 1056** Accept contract with Hildebrand Concrete Construction, Inc., as complete and authorize final payment (Report; Contract No. 26994)

Disposition: Adopted.

- *1057** Call for bids for construction of the Lusted Hill Ammoniation Facility located east of Gresham, Oregon, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164305. (Y-4)

- *1058** Authorize the Purchasing Agent to execute a contract with W. G. Moe and Sons, Inc., of Portland, Oregon, for \$42,500 for the Bureau of Water Works, waiving formal bid advertisement and authorize the drawing and delivery of warrants (Ordinance)

Disposition: Ordinance No. 164306. (Y-4)

- *1059** Authorize an agreement with the Pine Trail Society for the acceptance of real property for addition to Hoyt Arboretum (Ordinance)

Disposition: Ordinance No. 164307. (Y-4)

- *1060** Authorize a lease agreement with Janis Youth Programs for a passenger van for a Parks Bureau summer program (Ordinance)

Disposition: Ordinance No. 164308. (Y-4)

- *1061** Authorize a worksite agreement with The Private Industry Council (Ordinance)

Disposition: Ordinance No. 164309. (Y-4)

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***1062** Lease certain spaces in Multnomah Center with seven tenant groups from July 1, 1991 through June 30, 1992 (Ordinance)

Disposition: Ordinance No. 164310. (Y-4)

REGULAR AGENDA

1063 Petition from the Coalition Against U.S. Military Intervention in the Middle East to address Council (Communication)

Discussion: Individuals speaking against the City's sponsorship and funding of the Fourth of July parade included:

Laurie King, 8728 N. Edison
Tim Weller, resident of Irvington and member of Vietnam Veterans
Against the War
Paige Knight, 2285 SE Cypress
Daniel Sweet, 2931 NE 32nd Place
Joyce Clark, Oregon City
Hubert Evans, 4400 NE Broadway, #603
Rico Vicino, 1837 SE Pine
Renee Smith, 1944 NW Johnson
Paul Buchanan, 2417 SW Nebraska
John Linder, 1715 SE 36th Ave.

Opponents opposed the spending of public money on a pro-war parade and questioned the involvement of the Oregon Conservative Alliance with Hamilton Enterprises, the parade organizer. They said such a parade is divisive and glorifies war and military weaponry. They proposed many other areas where public money would be better spent.

Supporters included:

Scott Lively, SE Portland, Homefront Coalition
Ned Devereaux, SW Portland resident
Lynette Harrington, 18205 NE Bronson Road
Paul Richmond, 1934 SW 5th Ave.

They said the Oregon Citizens Alliance has nothing to do with this parade which is sponsored by the Homefront Coalition and was organized to honor veterans and provide a counterbalance to anti-war demonstrations. They said the parade is not pro-war nor meant to be a review of military might. They asked Council to look at such a parade as a healing process which brings the community together.

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Commissioner Kafoury reminded the audience that there is no issue for Council to vote on this morning and that this was strictly an educational process this morning.

Disposition: Referred to Finance and Administration.

1064 Request from The Review Board of Neighbors West/Northwest to address Council on contractual issues with City (Communication)

Discussion: Cay Kershner, Clerk of the Council, said a letter had been received from Ike Bay at Neighbors West/Northwest asking for a one-week continuation.

Disposition: Continued to June 26, 1991 at 9:30 a.m.

Commissioner Earl Blumenauer

1065 Transmit a report to establish procedures for economic improvement districts (Previous Agenda 965)

Discussion: Commissioner Blumenauer said they were still waiting for legislative action in Salem.

Disposition: Continued to June 26, 1991 at 9:30 a.m.

1066 Preliminarily institute establishment of a Downtown Economic Improvement District as proposed in the preliminary economic improvement plan contained in the June 7, 1991, report submitted by the Commissioner of Public Works (Previous Agenda 966)

Disposition: Continued to June 26, 1991 at 9:30 a.m.

1067 Amend City Code to make participation of property owners in Economic Improvement Districts voluntary (Second Reading Agenda 967)

Disposition: Continued to June 26, 1991 at 9:30 a.m.

***1068** Authorize application to the Governor's Watershed Enhancement Board (GWEB) for a \$44,400 grant for restoration and water quality enhancement work at Johnson Creek Park (Ordinance)

Disposition: Ordinance No. 164311. (Y-4)

***1069** Authorize the execution of a Stipulation and Final Order with the Department of Environmental Quality in connection with abatement of combined sewer overflows (Ordinance)

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Disposition: Continued to June 26, 1991 at 9:30 a.m.

Commissioner Gretchen Kafoury

***1070** Contract with Moore Excavation Corp. for \$12,500 to demolish the structures at 8733 N. Tyndall Avenue and provide for payment (Ordinance)

Disposition: Ordinance No. 164312. (Y-4)

Commissioner Mike Lindberg

1071 Accept the Water Bureau and U.S. Forest Service Annual Activity Schedules for the Bull Run watershed (Report)

Discussion: The Clerk said a continuation had been requested to allow for further review.

Disposition: Continued to June 26, 1991 at 9:30 a.m.

At 10:45 a.m., Council recessed.

JUNE 19, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 19TH DAY OF JUNE, 1991 AT 2:00 P.M.

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

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

The Clerk announced that Agenda Item 1034 from this morning's
session needed to be reconsidered. Commissioner Blumenauer moved
for reconsideration; Commissioner Lindberg seconded and the motion
carried. (Y-4)

S-1034 Results of sale of Local Improvement Bond Anticipation Notes
(Report)

Discussion: Dick Hofland, Acting Debt Manager, said a substitute
report had been filed to correct an error. He said the Series A bonds
had been awarded to Lehman Brothers, not to Chemical Bank as
originally reported.

Commissioner Blumenauer moved the substitute; Commissioner
Kafoury seconded and the motion carried. (Y-4)

Disposition: Substitute report adopted under reconsideration. (Y-4)

1072 **TIME CERTAIN: 2:00 PM** - Transmit Report on use of golf fee
increases to fund Youth Recreation Programs Enhancement 1991
(Report introduced by Commissioner Lindberg)

Disposition: Placed on File.

***1073** Revise fees charged at municipal golf courses and establish effective
date of July 1, 1991 (Ordinance introduced by Commissioner
Lindberg)

Discussion: Charles Jordan, Parks Director, said the projected
\$200,000 in income from the golf fees would be used to form
partnerships with other youth organizations to expand the number of
opportunities, including summer jobs, available to young people. He
described how the funds would be allocated and evaluated.

Commissioner Lindberg said he believed that a fifty-cent increase
was a much better idea than trying to administratively distinguish
between residents and non-residents. He said this increase will go

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into a Youth Programs Trust Fund and that no money will be taken away from the planned capital golf course improvements.

Kenneth Fitzsimon, 1730 NE Brazee, said he represents approximately 425 golfers at the Heron Lakes Golf Course. He said they support the goal but oppose using dedicated funds to fund social projects, however worthy. He objected to singling out golfers instead of other recreational activities, such as the Grand Prix or the Blazers arena.

Gill Fall, 5010 SW Slavin, speaking for the senior golfers, opposed the fee increase for the same reasons as Mr. Fitzsimon but also because the increase would affect senior golfers disproportionately.

Jim Francesconi, 2230 NE Alameda, congratulated Council for this creative first step to help young people at risk and said he believed this was an appropriate funding source. He said the program is particularly notable because of its emphasis on partnerships, employment and on listening to young people.

Commissioner Lindberg said surcharges already exist on tickets for events such as the G.I. Joe Grand Prix, and those held at the Coliseum, Stadium and the Performing Arts Center. He said he was sensitive to golfers' fears that anytime the City had a deficit Council would look to golf to solve the City's financial problems.

Commissioner Blumenauer said he hoped that Parks Budget Advisory Committee would be involved in this issue in the future. He said he was surprised that it had not been presented to them this Spring.

Mr. Jordan said they took the fee increase to the Golf Advisory Committee but not to the BAC.

Disposition: Ordinance No. 164313. (Y-4)

1074

Tentatively deny appeal of Ardenwald-Johnson Creek Neighborhood Assoc., Eastmoreland Neighborhood Assoc., and Eastmoreland Racquet Club Homeowners Assoc. and approve, with additional conditions, application of Eastmoreland Tennis Corp. for a conditional use to expand an existing building at 3015 SE Berkeley (Findings; Previous Agenda 909)

Discussion: Steve Gerber, Planning staff, said it was his understanding that consensus has been achieved on these findings.

Disposition: Findings Adopted. (Y-4)

At 2:35 p.m., Council recessed.

JUNE 20, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH 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; Ruth Spetter, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

***1075** Revocable permit to Hamilton Events, Inc., to maintain banners on street light poles from July 21 to August 11, 1991 (Ordinance)

Disposition: Ordinance No. 164314. (Y-5)

***1076** Revocable permit to Dale and Peggy Lumpkin for landscaping, irrigation system, and landscape lighting in the Shore Line rail right-of-way at 11000 Riverwood Road (Ordinance)

Disposition: Ordinance No. 164315. (Y-5)

Commissioner Dick Bogle

***1077** Amend Ordinance No. 164090 to clarify effective dates of changes to Business License Law (Ordinance)

Disposition: Ordinance No. 164316. (Y-5)

City Auditor Barbara Clark

1078 Change procedures for appointing advisors to the Police Internal Investigations Auditing Committee (Second Reading Agenda 1012)

Disposition: Ordinance No. 164317. (Y-5)

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REGULAR AGENDA

***1082** Amend the Natural Resources Management Plan for the Columbia South Shore to allow sewer crossings in resource areas adjacent to bridge rights-of-way, use aerial color photographs to define resource areas, establish standards for uses in the resource area, and broaden notification procedures for future amendments (Ordinance)

Discussion: The Clerk said a continuation had been requested because of a delay in the LUBA decision on the appeal of this plan.

Disposition: Continued to July 3, 1991 at 9:30 a.m.

Commissioner Dick Bogle

1079 Liquor license application for Joe G. Perry dba Punjab Tavern, 6517 SE Foster Road, retail malt beverage liquor license (Renewal); Unfavorable recommendation (Report)

Discussion: John Werneken, License Bureau, and Doug Bomarito, attorney for Joe Perry, said both the Bureau and the applicant have requested a delay in the hopes that the issue in question can be resolved.

Disposition: Continued to July 18, 1991 at 2:00 p.m.

Commissioner Gretchen Kafoury

1080 Revise code definitions of a boarded building and a derelict building (Second Reading Agenda 1016)

Discussion: Jo Zettler, Bureau of Buildings, said they met with Tom Oxley to address the concerns he raised last week. She said they were able to resolve his issue regarding padlocks on vacant buildings. She said the Bureau has never declared a building derelict solely because of the use of padlocks but it has agreed to add that to its written policy.

Ms. Zettler said agreement was not reached with Mr. Oxley on the issue of automatically placing a building posted for a nuisance violation on the derelict buildings roll. She said the proposed language states that if a vacant building is posted for one nuisance no more often than every two years it will not go on the derelict building list. Mr. Oxley would like to change that to read that if the property owner abates the nuisance himself then, no matter how many times it is posted for nuisance, it would not be placed on the derelict building list. Ms. Zettler said this proposal would not be

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acceptable to neighborhood associations and the Bureau believes it would be bad policy to loosen up the rules for nuisance violations.

Louise Weidlich, 7720 SW Capitol Hill Road, questioned sections of the proposed revisions as unreasonable and unfair. She also objected to listing properties with more than one nuisance violation within two years on the derelict building list.

Barbara Adler, Oregon Apartment Association President, said the revisions unfairly target responsible rental owners trying to do a good job. She protested automatic inclusion of properties cited for nuisance violations on the derelict building roll, the added inspection fee and the requirement that the property must be fully occupied before it would be removed from the roll.

Tom Oxley, Oregon Apartment Association Board Member, said he felt he ran into a brick wall with the Bureau over the placement of nuisance postings on the derelict building list. The Association believes the listing should apply only to unabated nuisance postings while the Bureau believes it should be two nuisance postings over two years regardless of whether they were abated or not.

Mr. Oxley said the Bureau had promised that the ordinance would be used only to target unresponsive owners of abandoned buildings which were truly a blight on the neighborhood. It would not be used to slap an owner for such things as a broken window, grass over 10 inches high, or an unsecured door, as long as they were taken care of. However, Mr. Oxley said, the Bureau is now strictly applying the Code for violations of this nature. He asked that the abated nuisance be removed as a trigger for listing on the derelict building roll and replaced with the unabated nuisance.

Commissioner Kafoury said the neighborhoods were adamantly in favor of the revisions. She urged Council support for the changes and said they will keep reviewing it and if it proves impractical it will be changed.

Mr. Oxley said he had never seen a groundswell of neighborhood support for the proposed revisions.

Commissioner Blumenauer said he would like to return to this issue in six months for a reality check with both property owners and neighbors. He said he had received assurances as to the even-handedness of the administration.

Disposition: Ordinance No. 164318. (Y-5)

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1081

Amend Portland City Code Section 13.16.100 relating to swine to allow pot-bellied pigs to be kept as pets in the City (Ordinance; amend Code 13.16.100)

Discussion: Commissioner Kafoury she did not believe there was any objection to this amendment.

Individuals speaking in support of allowing pot-bellied pigs to be kept as pets included:

Steve Bentley, Pets on Broadway
Sheila Oxford, 615 SE 98th
Diane Waggerby, pot-bellied pig breeder

Individuals speaking in opposition to legalizing another exotic pet included:

Jacky West, People for Animal Rights
Sharon Harmon, Oregon Humane Society

Opponents reported that the pigs can reach 95 pounds in weight and live 20-25 years, and questioned what will happen to them when the novelty wears off or when owners find they can no longer keep them. They said abandoned or ill pigs will add an extra burden to the already overburdened Humane Society and Animal Control.

Commissioner Kafoury, noting that the pigs are very popular now, committed to return to Council if problems arise.

Disposition: Passed to Second Reading June 27, 1991 at 2:00 p.m.

At 2:35 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council