



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF JULY, 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; Harry Auerbach, Deputy City Attorney; and Officer Duane Rickart, Sergeant at Arms.

Agenda Nos. 1319 and 1329 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1312** Accept bid of Standard Batteries Northwest, Inc., for annual supply of auto and truck batteries for \$36,147 (Purchasing Report - Informal Quote)

Disposition: Adopted; prepare contract.

- 1313** Accept bid of Copenhagen, Inc., for construction of Lusted Hill Ammoniation Facility for \$973,434 (Purchasing Report - Bid 1)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 1314** Return Council Calendar No. 1063, Petition from the Coalition Against U.S. Military Intervention in the Middle East, and recommend that it be filed for no further consideration (Report)

Disposition: Placed on file for no further consideration.

- *1315** Pay claim of Robert P. McHugh, III (Ordinance)

Disposition: Ordinance No. 164473. (Y-5)

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- *1316** Authorize execution of documents necessary for completion of Refunding Revenue Bonds transaction (Ordinance)

Disposition: Ordinance No. 164474. (Y-5)

- *1317** Authorize an agreement with the Oregon Liquor Control Commission to provide access to the Portland Police Data System (Ordinance)

Disposition: Ordinance No. 164475. (Y-5)

- *1318** Amend agreement with the State of Oregon Columbia River Correctional Institute to provide access to the Portland Police Data System (Ordinance; Contract No. 26466)

Disposition: Ordinance No. 164476. (Y-5)

- *1320** Agreement with Metro for enhanced police services, not to exceed \$8,061, for the summer zoo concerts (Ordinance)

Disposition: Ordinance No. 164477. (Y-5)

Commissioner Earl Blumenauer

- 1321** Set hearing date, 9:30 a.m., Wednesday, August 28, 1991, to vacate a certain portion of N Borthwick Avenue between N Halleck Street and the Oregon-Washington Railroad lines (Report; Petition; C-9746)

Disposition: Adopted.

- *1322** Release the City's interest in a portion of vacated Taylors Ferry Road affecting Lots 9 & 10, Block 59, West Portland Park (Ordinance)

Disposition: Ordinance No. 164478. (Y-5)

- *1323** Authorize a Design Services Agreement with the Tri-County Metropolitan Transportation District (Tri-Met) to provide for design services for the Westside Light Rail Project (Ordinance)

Disposition: Ordinance No. 164479. (Y-5)

- *1324** Allow carryover of 114 vacation hours accrual for an employee of the Bureau of Environmental Services and waive Code Section 4.16.040 (Ordinance)

Disposition: Ordinance No. 164480. (Y-5)

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***1325** Amend Contract with OTAK, Inc. (Ordinance; Contract No. 26988)

Disposition: Ordinance No. 164481. (Y-5)

***1326** Accept two sewer easements for the NW Gordon Sanitary Sewer System Project, granted by Robert D. Christie (Ordinance)

Disposition: Ordinance No. 164482. (Y-5)

***1327** Accept two sewer easements for the NW Gordon Sanitary Sewer System Project, granted by Stephen R. Smiley (Ordinance)

Disposition: Ordinance No. 164483. (Y-5)

***1328** Accept a street deed for the future widening of SW Dickinson Street east of SW 33rd Avenue, granted by John Aarness and Helen Aarness, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164484. (Y-5)

City Auditor Barbara Clark

1330 Approve Council Minutes for December 5, 1990 through June 27, 1991 (Report)

Disposition: Approved.

REGULAR AGENDA

S-*1319 Declare property located at 2200 NE 24th Avenue, Portland, as surplus and authorize sale (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said a substitute had been filed to correct the street name from NE 22nd to NE 24th.

Commissioner Bogle moved the substitute. Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 164485. (Y-5)

Commissioner Dick Bogle

S-1329 Appoint William June, Arnold Biskar and Mary Ann Normandin to the Cable Regulatory Commission (Previous Agenda 1289)

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Discussion: The Clerk announced that a substitute report had been filed deleting Larry Nelson as an appointee and recommending the appointment of Arnold Biskar.

Commissioner Bogle moved the substitute. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Substitute confirmed.

- 1331** Consider vacating the north 9 feet of SW Madison Street between SW Ardmore Avenue and SW Vista Avenue at the request of James A. Jones (Hearing; C-9758)

Discussion: The Clerk noted that letters had been received from the Port of Portland and the Oregon Department of Transportation stating their lack of objection to this vacation.

Disposition: Approved. City Engineer prepare ordinance.

Commissioner Gretchen Kafoury

- 1332** Call for joint meetings with Multnomah County and Gresham to decide on local government services (Resolution)

Discussion: The following individuals spoke in support of the resolution:

Don McClave, President, Portland Chamber of Commerce
Rosemary Jane, Chair, Bureau Advisory Coordinating Committee
Ron Gould, Association for Portland Progress
Ned Look, 1703 SW Myrtle

All applauded this evolvement towards consolidation of regional government services which will allow for increased efficiency and effectiveness.

Commissioner Kafoury said there is a serious commitment to work with the Commissioners' executive assistants to come up with specifics by September in order to give us a head start on next year's budget.

Commissioner Blumenauer said he particularly wants to see Gresham given the resources it needs so that everyone in the region ends up with better services.

Disposition: Resolution No. 34883. (Y-5)

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- *1333** Authorize acceptance of a contract from the State of Oregon Long Term Care Ombudsman Office in the amount of \$8,000 to continue a pilot project designed to increase the LTC Ombudsman's ability to provide direct services to adult foster care residents (Ordinance)

Disposition: Ordinance No. 164486. (Y-5)

Commissioner Mike Lindberg

- 1334** Accept the Water Bureau and U.S. Forest Service Annual Activity Schedules for the Bull Run Watershed (Report)

Disposition: Adopted.

- 1335** Approve the name of Ed Benedict Community Park proposed by the Powellhurst-Gilbert and Lents Neighborhood Associations and Bureau of Parks and Recreation (Resolution)

Disposition: Resolution No. 34884. (Y-5)

- *1336** Authorize Agreement with Friendly House to provide funds for acquisition and development of recreational facilities and services to the residents of the Northwest District of the City of Portland (Ordinance)

Discussion: Commissioner Lindberg said this use of funds from the I-405 Construction Fund is a good project which will greatly benefit the neighborhood. He noted the length of time the parties had taken to reach agreement, calling the final resolution "a miracle".

Commissioner Blumenauer said the City should copyright the process and ship it to the Middle East.

Disposition: Ordinance No. 164487. (Y-4; Bogle absent)

City Auditor Barbara Clark

- *1337** Create the NE 55th Avenue Local Improvement District and provide for constructing local streets (Hearing; Ordinance; C-9756)

Discussion: Jean Buttke, 5420 NE Clackamas, initiator of the petition for the improvement, said it has the support of all would-be participants except for two absentee landlords.

Nellie Ruggles, 1320 NE 55th, owner of a 5-plex apartment house in the district, said she favored the improvement but was worried that the assessment might exceed the estimate.

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Mayor Clark said there could be no guarantees but it was best to accelerate the process if possible.

Lynn Cox, 5421 NE Wasco, said they would like to see the street improved, with sidewalks and parking on both sides of the street.

Commissioner Blumenauer moved to overrule the remonstrance. Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Remonstrance overruled. Ordinance No. 164488. (Y-5)

At 10:15 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF JULY, 1991 AT 2:00 P.M.

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

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

1338 **TIME CERTAIN: 2:00 PM** - Adopt special design guidelines for the design zone area of the Central Eastside District of the Central City Plan and direct the Design and Landmarks Commissions to use the guidelines (Ordinance)

Discussion: Leo Williams, Planning Bureau staff, noted Council approval last year of generic design guidelines for the Central City districts. He said that approval set in motion the second phase, which is to develop special guidelines for each of the eight individual districts within the Central City Plan. He said Central Eastside is the first of the districts to be addressed.

Mr. Williams said the guidelines before Council today are meant to reflect the special personality of the Central Eastside while dovetailing with the fundamentals already adopted. He described the work of the Central Eastside Design Advisory Committee in drafting the guidelines.

Stuart Schleifer, Central Eastside Design Advisory Committee spokesperson, said these guidelines will allow the character and charm of the neighborhood to show through. He urged adoption.

John Spencer, Design Commission member, said the Committee was successful in meeting its charge to come up with guidelines unique to the neighborhood and written in an understandable way.

Tim Ramis, attorney for the Oregon Electric Sign Association, said the Association felt its concerns had been addressed. One innovative new feature is the requirement for a master sign program as a part of design review. He said this change will identify upfront what is permitted and will allow certainty in planning signage.

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Greg Wentworth, President, Central Eastside Industrial Council, said he hopes the message can be passed on that signage is very important to businesses in the area.

Disposition: Passed to Second Reading July 31, 1991 at 2:00 p.m.

Commissioner Gretchen Kafoury

1339

Adopt Natural Resources Inventory, ESEE Analysis, Northwest Hills Natural Areas Protection Plan; amend Comprehensive Plan, Title 33 and Title 34 of the City Code; and amend Comprehensive Plan Map and Official Zoning Maps of the City of Portland (Second Reading Agenda 1219)

Discussion: Tim Brooks, Planning Bureau, addressed Issue No. 6 as outlined in his memo to Council of July 19, 1991. He said the Bureau recommends the addition of three findings and one Council directive regarding property owned by Joe Angel. In addition, Mr. Brooks said he met with Mr. Angel and his attorney to try to clarify which way the density would go once the area is brought within the Urban Growth Boundary, or if the Forest zone is amended. To do so, he proposed that the following language be added to directive (4): .."as near the allowed density of the RF zone as is consistent with the LCDC rules governing rural development." This, he said, will give Mr. Angel a clear direction as to what is meant by "appropriate" development.

Commissioner Kafoury moved that these findings and the directive be added as proposed by Mr. Brooks. Commissioner Blumenauer seconded and the motion carried. (Y-5)

Steve Janik, attorney representing Joe Angel and Forest Park Estates, said he approves the Plan, with two exceptions. With regard to Mr. Angel's property, he said right now it is unclear where the dividing line is between the land covered by the EC zone and the land not covered by it. He said the map drawn by staff may be inaccurate and requested modification of the line based on the aerial photographs submitted Mr. Angel.

As attorney for Forest Park Estates, Mr. Janik said he was concerned about whether Parcel B, which has received preliminary approval for a PUD, was exempt from the EC overlay zone because of its prior land-use approval. He said they had assumed this to be the case until Friday (July 19), when he learned that the Bureau has reversed itself and declared that each future permit for clearing, grading, etc. will have to comply with the EC zone overlay. He requested Council action to exempt previously approved projects.

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Mr. Brooks said both these issues will be clarified prior to next week's Second Reading. Regarding Mr. Angel's property, he said they believe the mapping as drawn is correct as it is shown.

Bob Stacey, Planning Bureau, said he hopes an administrative solution can be found to the concerns raised by Mr. Janik so that an additional Second Reading is not required. He said he will report back next week with his recommendations.

Commissioner Kafoury asked if an emergency clause could be added next week.

Pete Kasting said yes, as long as the reason for the emergency is clearly specified.

Disposition: Passed to Second Reading as amended July 31, 1991 at 2:00 p.m.

1340

Amend Comprehensive Plan Policy 3.6 (Neighborhood Plan) by adding the Policies and Objectives of the Buckman Neighborhood Plan (Second Reading Agenda 1255)

Discussion: Jeanne Harrison, Bureau of Planning, reviewed the three issues raised at the hearing two weeks ago.

Regarding property owned by Peter Appleton proposed for upzoning to RH, she said Mr. Appleton was concerned about whether the Plan is serious about both its stated objective of developing the property at some time for either high density housing and/or a park. Ms. Harrison said both the need for additional high density housing and for additional open space was addressed by this objective.

Ms. Harrison said staff also reviewed the request by Mark McGuinness and Robert Schroeder, owners of a duplex at 1303-1305 SE Madison, that this property remain R1. She said they still believe the proposal for rezoning to R2.5 is consistent with what the Plan is trying to accomplish and recommend that it be retained.

Staff also recommends that the proposed R2.5 rezoning be retained on property at 704 SE 15th owned by John Ardiel. Mr. Ardiel had requested that the current R1 zoning be retained. Ms. Harrison said the neighborhood believes the R2.5 designation is an appropriate way of maintaining a balance between single family housing and duplexes. She said under the R2.5 zoning Mr. Ardiel could have two units,

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either through the "add a rental" provision, or by seeking an adjustment to allow a duplex conversion on an undersized lot. She said she did not believe the neighborhood would object since housing stock would be retained.

Mayor Clark asked how difficult the adjustment process was.

Ms. Harrison said the criteria is that what is requested has no more negative impact on the neighborhood than what is already allowed. She noted that while there is a cost for adjustments, the "add a rental" is done by right and would not require one.

Commissioner Bogle asked John Ardiel if he knew about these options.

Mr. Ardiel said no, but those types of things can be very difficult. He said he was asking for spot zoning not just for himself but for two other neighboring houses as well. He said he can see no benefit in the zone change and said he was worried about what would happen if there was a fire.

Mr. Harrison said if the houses burned down, the owners would be allowed to build to same density they had before.

Mayor Clark said he sees no reason to change the zone if that flexibility is allowed. He said the neighborhood is concerned about what will happen in the long run.

Mark McGuinness disagreed with the proposed downzoning for his property. He asked that it be left R1 so that the door is not closed on single family attached houses. He said he is not concerned with its use now but how it might be used 20 years into the future.

Commissioner Blumenauer said he believes it is better not to intervene with the framework developed by the neighborhood at this point. He said he thinks this issue will be revisited by the City before the turn of the century.

Jim Peterson, 714 SE 15th, protested lack of notification during the process. He said he bought his property as a legal three-plex and has been unable to get a permit to make it into a duplex because it is below minimal lot size. He said if the property goes to a proposed R2.5 it will be even more restrictive.

Mayor Clark asked Ms. Harrison to have someone clarify this for Mr. Peterson.

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Commissioner Kafoury said extensive work has been done on the Plan and urged passage.

Commissioner Blumenauer said this is the most sophisticated example yet of how the neighborhood, the Planning Bureau and a number of affected interests have been able to come together on a plan. He said he is prepared to support the Plan as presented.

Mayor Clark said he would vote for this based on the ability of property owners to be able to separate their residences into two units if one is owner-occupied.

Commissioner Bogle agreed with the Mayor and said he was initially prepared to ask for retention of the current zoning. However, he said, now that he had learned about the "add a rental" and adjustment options, he is prepared to go along with the staff recommendation.

Disposition: Ordinance No. 164489. (Y-5)

1341

Amend the Comprehensive Plan Map and the Official Zoning Maps for areas within the boundaries of Buckman Neighborhood as shown on the attached maps (Second Reading Agenda 1256)

Disposition: Ordinance No. 164490. (Y-5)

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

JULY 25, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF JULY, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Bogle, Presiding; Commissioners Blumenauer and Kafoury, 3.

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

Mary Nolan, Bureau of Environmental Services, read a petition from a group of City bureau managers applauding the commitment of Police Chief Tom Potter to provide equal and fair treatment to all persons without regard to race, sex, cultural heritage, sexual orientation or political philosophy.

Cay Kershner, Clerk of the Council, said due to the absence of two Commissioners, the Consent Agenda needs to be continued one week.

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- *1342** Revocable permit to Portland Opera to maintain banners on ornamental street light poles from September 10, 1991 to October 5, 1991 (Ordinance)

Disposition: Continued to July 31, 1991 at 9:30 a.m.

- *1343** Revocable permit to Portland Federal Executive Board (a federal agency) to maintain banners on street light poles from September 10, 1991 to November 10, 1991 (Ordinance)

Disposition: Continued to July 31, 1991 at 9:30 a.m.

REGULAR AGENDA

Commissioner Dick Bogle

- 1344** Liquor license application for Joe G. Perry, dba Punjab Tavern, 6517 SE Foster Road, retail malt beverage liquor license (renewal); unfavorable recommendation (Previous Agenda 1079)

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Discussion: John Werneken, License Bureau, requested that the unfavorable recommendation be changed to favorable because of acceptance by the applicant of an OLCC restriction stating that Jim Perry, the licensee's son, will have no involvement in the premises whatsoever.

Chuck Bolliger, Police Bureau, said the Punjab is one of three taverns located close to 65th and Foster, which has been a problem area for some time. He stated the need for strict management of the Punjab, noting that within a 4-block radius there have been 300 calls for Police service in the past 90 days.

Doug Bomarito, Attorney for Joe Perry, pledged that the operation of this tavern will continue to be of the highest standard. He said they recognize there are problems in the area and will not contribute to them.

Commissioner Blumenauer moved to change the recommendation from unfavorable to favorable. Commissioner Kafoury seconded and the motion carried. (Y-3)

Commissioner Blumenauer said he is voting for this change reluctantly as he is concerned about what is happening at this location.

Disposition: Favorably recommended. (Y-3)

1345

Liquor license application for J & B, Inc., dba Szechuan Gourmet, 8610 SW Terwilliger Blvd., Dispenser Class C liquor license (new outlet); favorable recommendation (Report)

Discussion: Mr. Werneken, License Bureau, said he believes the objection to granting this license is based on the availability of alcohol per se. He said the liquor laws require that grounds specific to the applicant or the location be found when an unfavorable recommendation is made and that the License Bureau has found no such grounds.

Susan Weidlich, 8316 SW 6th Ave., said there are already enough establishments selling alcohol in the area. She said neighbors have seen a direct rise in the accident and crime rates in the area due to the presence of these outlets.

Louise Weidlich, 7720 SW Capitol Hill Road, spokesperson for the Neighborhoods Protective Association, cited the havoc alcohol causes and said there is no need to grant any more liquor licenses in the area.

Commissioner Blumenauer noted that this application will come before the OLCC and that specific evidence showing that there is a problem with this location could be presented then.

Disposition: Favorably recommended. (Y-3)

- 1346** Liquor license application for Melco, Inc., dba Eastside Cafe, 1305 SE 8th Ave., restaurant liquor license (new outlet); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-3)

- 1347** Liquor license application for Lee Kyong Tae, dba Sam's Grocery, 202 W Burnside St., package store liquor license (renewal); favorable recommendation (Report)

Discussion: Mr. Werneken, speaking on this and the following renewals, said he had received a letter yesterday from the Historic Old Town Committee which voted unanimously to support renewal of these two licenses as restricted. The licensees have accepted the proposed restrictions from OLCC and have agreed to make every effort not to sell alcohol to those who will drink it in public.

Officer Bolliger said all parties had concluded that the large number of liquor-related citations issued in this area of Old Town was not acceptable. A method was thus sought to prohibit the sale of alcohol by package store liquor licensees to known street-drinkers. It has also been found that forbidding sales to such individuals in one area does not automatically send them into another area. He said they also now have an accurate method of tracking where intoxications are taking place and who the violator package store licensees are.

Lee Lacey, President, Downtown Community Association, said the Association supports the recommendations with the understanding that the City and the OLCC will continue to monitor the area closely to make sure the progress that has been made in the last few months does not diminish.

Disposition: Favorably recommended. (Y-3)

- 1348** Liquor license application for Pak Bu W, dba Ray's Grocery, 2 SW 3rd Ave., package store liquor license (renewal); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-3)

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

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council