



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF SEPTEMBER, 1991 AT 9:30 A.M.

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

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

Mayor Clark proclaimed the week of September 22-28 as Minority Enterprise Development Week.

Commissioner Lindberg presented a commendation to Mary Steiger, who aided citizens being chased by Neo-Nazi Skinheads. Police Chief Tom Potter; Carolyn Leonard, Metropolitan Human Relations Commission Chair, and representatives of the Sellwood Moreland Neighborhood Association and Richmond Neighborhood Association also thanked Ms. Steiger for her courage in standing up to racists.

Agenda No. 1582 was pulled from Consent and Council agreed to hear it at the same time as Agenda No. 1612. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1573 Accept bids of fourteen different vendors for refuse hauling for \$411,110 (Purchasing Report - Bid 9-A)

Disposition: Adopted; prepare contract.

1574 Accept bid of Coffman Excavation for construction of NE 33rd Drive and NE Marine Drive Sanitary Sewer for \$499,580 (Purchasing Report - Bid No. C-9770)

Disposition: Adopted; prepare contract.

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1575 Vacate a certain portion of N Borthwick Avenue lying between N Halleck Street and the Oregon & Washington Railroad Lines, under certain conditions (Ordinance by Order of the Council; C-9746)

Disposition: Passed to Second Reading September 25, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

1576 Approval to issue Hospital Revenue Bonds for Sisters of Providence in Oregon by Hospital Facilities Authority of Clackamas County, Oregon (Resolution)

Disposition: Resolution No. 34894. (Y-4)

***1577** Approval to issue Hospital Revenue Bonds for Kaiser Foundation Hospital by the Hospital Facilities Authority of Clackamas County, Oregon (Resolution))

Disposition: Resolution No. 34895. (Y-4)

1578 Approval to issue Hospital Revenue Bonds for the Odd Fellows Home of Oregon, Inc., and the Friendship Health Center, Inc., by the Hospital Facility Authority of Clackamas County, Oregon (Resolution)

Disposition: Resolution No. 34897. (Y-4)

1579 Call for bids to furnish some of the 1991-92 replacement City vehicles, authorize a contract, and provide for payment (Ordinance)

Disposition: Passed to Second Reading September 25, 1991 at 9:30 a.m.

***1580** Increase contract for design of the Rivergate Vehicle Storage Facility (Ordinance; Amend Contract No. 26227)

Disposition: Reconsidered September 18, 1991 at 2:00 p.m.

***1581** Contract with Robert Evenson Associates for \$25,650 for architectural services for remodel of East Precinct Police Station, waive consultant selection procedures, and provide for payment (Ordinance)

Disposition: Ordinance No. 164636. (Y-4)

***1583** Authorize Contract with Lynda Lewis for Affirmative Action program services (Ordinance)

Disposition: Ordinance No. 164637. (Y-4)

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***1584** Authorize temporary loans from the General Fund to the Fire and Police Disability and Retirement Fund in an amount not to exceed \$7,000,000 (Ordinance)

Disposition: Ordinance No. 164638. (Y-4)

***1585** Issue Economic Development Revenue Bond, 1991 Series B (Columbia Wire and Iron Works, Inc. Project) (Ordinance)

Disposition: Ordinance No. 164639. (Y-4)

***1586** Authorize a labor agreement between the City of Portland Police Commanding Officers Association (PPCOA) relating to terms and conditions of employment of represented personnel (Ordinance)

Disposition: Ordinance No. 164640. (Y-4)

Commissioner Earl Blumenauer

1587 Approve Change Orders No. 1 and 2, accept completion of SW Fourth Avenue Twin Ornamental Series Conversion and Finish Restoration Project, and make final payment (Report; Contract No. 26270)

Disposition: Approved.

1588 Approve Change Orders No. 1,2,3,4 and 5, accept completion of the SW Oak Street, SW Taylor Street and SW Second Avenue Twin Ornamental Street Lighting Project, and make final payment (Report; Contract No. 26359)

Disposition: Approved.

***1589** Accept two street deeds for the future widening of SE 82nd Avenue south of SE Knapp Street, granted by Schwab Properties, Ltd., Leslie B. and Dorothy J. Schwab, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164641. (Y-4)

***1590** Revocable permit to Bahman Falakassa for private pedestrian crossing and encroachment in the Shore Line Rail right of way (Ordinance)

Disposition: Ordinance No. 164642. (Y-4)

***1591** Accept a sewer easement for the Linn Park (#39) Sanitary Sewer System Project, granted by Dennis LaRose, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164643. (Y-4)

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***1592** Accept two sewer easements for the Springbrook Subdivision Sewer Project, granted by Mark Edward Van Alstyne and others, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164644. (Y-4)

***1593** Accept a street deed for the future widening of SW Stephenson Road near SW Lancaster, granted by James W. Ballin and Anne W. Ballin, at no cost to the City (Ordinance)

Disposition: Ordinance No. 164645. (Y-4)

***1594** Call for bids for the SW 49th Avenue/SW Vesta Storm Sewer System, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 164647. (Y-4)

Commissioner Dick Bogle

***1595** Authorize a Mutual Response Agreement for Fire Suppression between Clackamas County Fire District No. 1 and the City of Portland (Ordinance)

Disposition: Ordinance No. 164548. (Y-4)

***1596** Amend contract for professional services between the City and David Chandler, Ph.D for an additional \$10,000 (Ordinance; amend contract No. 26839)

Disposition: Ordinance No. 164649. (Y-4)

***1597** Authorize a Mutual Aid Agreement for hazardous materials incidents with Tualatin Valley Fire and Rescue (Ordinance)

Disposition: Ordinance No. 164650. (Y-4)

***1598** Increase established cost ceiling to \$57,721 to pay for the Department of Environmental Quality mandated site testing and contamination removal at Fire Station 6 (Ordinance)

Disposition: Ordinance No. 164651. (Y-4)

***1599** Authorize a Mutual Aid Agreement for fire services with Clackamas County Fire District No. 1 (Ordinance)

Disposition: Ordinance No. 164652. (Y-4)

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Commissioner Gretchen Kafoury

***1600** Contract with the Housing Authority of Portland for \$72,000 to operate an emergency shelter for families and provide for payment (Ordinance)

Disposition: Ordinance No. 164653. (Y-4)

***1601** Amend Agreement with Transition Projects, Inc., to provide \$15,033 for operation of the day shelter and provide for payment (Ordinance; amend Agreement No. 27176)

Disposition: Ordinance No. 164654. (Y-4)

Commissioner Mike Lindberg

1602 Accept contract with Quality Plus Roofing for roof replacement at Mt. Scott Community Center as complete and authorize final payment (Report; Contract No. 27134)

Disposition: Accepted.

1603 Approve Change Orders 1 through 7, accept contract with Modern Building Systems for the modular additions to Heron Lakes Clubhouse as complete, and authorize conditions of final payment (Report; Contract No. 26825)

Disposition: Approved.

***1604** Amend contract with Ann Mason for administration and management of the Arts Plan 2000+ planning project (Ordinance; amend Contract No. 26545)

Disposition: Ordinance No. 164655. (Y-4)

***1605** Extend Agreement No. 24904 with Byron Wood Enterprises to October 31, 1992 (Ordinance)

Disposition: Ordinance No. 164656. (Y-4)

***1606** Call for bids for renovation of Montavilla Community Center, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 164657. (Y-4)

***1607** Application for Surplus Federal Real Property for Park and Recreation Purposes (Ordinance)

Disposition: Ordinance No. 164658. (Y-4)

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- *1608** Lease certain spaces in the Multnomah Center to STOP IT! - Coalition Against Sexual Abuse from Oct 1, 1991 through June 30, 1992 (Ordinance)

Disposition: Ordinance No. 164659. (Y-4)

City Auditor Barbara Clark

- *1609** Repeal Ordinance No. 164627 which amended the Comprehensive Plan Map and changed the zone of property at SW Barbur Boulevard, 23rd and 24th Avenues and SW Hume Court, from R7 Residential to CG General Commercial and R1 Multi-Dwelling Residential (Ordinance)

Disposition: Ordinance No. 164660. (Y-4)

REGULAR AGENDA

- 1571** **TIME CERTAIN: 9:30 AM** - Adopt the Seventeenth Amendment to the Downtown Waterfront Urban Renewal Plan (Resolution)

Discussion: Jeffrey Tashman, Tashman & Associates, 6585 SW Parkhill Drive, represented the Portland Development Commission. He explained that this resolution establishes April 24, 2004 as the date beyond which bonded indebtedness may not be issued. He said it is a minor amendment and asked for Council approval.

Disposition: Resolution No. 34898. (Y-4)

- 1610** Endorse the Governor's Conversation with Oregon (Resolution introduced by Mayor Clark and Commissioners Blumenauer, Bogle, Kafoury and Lindberg)

Discussion: Mayor Clark read this resolution supporting the Governor's invitation to citizens to participate in a series of "Conversations" to determine the level of public services they desire and the tax system they want to pay for them.

Faye Burch, Governor Roberts staffperson, thanked the City for its support of this effort.

Disposition: Resolution No. 34899. (Y-4)

Mayor J. E. Bud Clark

- *1611** Amend Agreement with the Northeast Coalition of Neighborhoods for the Youth Outreach Project by increasing the amount of the contract by \$30,000 and provide for payment (Ordinance; amend Agreement No. 27205)

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Discussion: Commissioner Kafoury said this is one of a number of programs aimed at-risk youth.

Disposition: Ordinance No. 164661. (Y-4)

Commissioner Earl Blumenauer

***1613** Contract with Kramer, Chin & Mayo, Inc. to increase funds for construction administration services for the Sullivan Pump Station, and provide for payment (Ordinance; Previous Agenda 1531)

Disposition: Ordinance No. 164662. (Y-4)

1614 Consider vacating a certain portion of N Bloss Avenue north of N Junction Street at the request of Columbia Steel Casting Company, Inc. (Hearing; C-9765)

Disposition: Approved. City Engineer prepare ordinance.

1615 Consider vacating a certain portion of SW Brugger Street east of SW 43rd Avenue at the request of Bob Randall, Jr. (Hearing; C-9754))

Disposition: Approved. City Engineer prepare ordinance.

Commissioner Gretchen Kafoury

***1616** Amend the Comprehensive Plan Map and change the zone of property at SE Powell Boulevard and 157th Avenue from R2.5, High-density Single-Dwelling to R3, Low-Density Multi-Dwelling (Ordinance; 91-00300 CP ZC SU AD)

Disposition: Ordinance No. 164663. (Y-4)

City Auditor Barbara Clark

1618 Assess property for sidewalk maintenance through June 30, 1991 (Second Reading Agenda 1570)

Disposition: Ordinance No. 164664. (Y-4)

1572 **TIME CERTAIN: 10:00 AM** - Accept report and conduct public hearing on Solid Waste and Recycling Rate Study (Hearing on Report)

Discussion: Commissioner Blumenauer said this rate system is designed to give people the waste collection and recycling services they need at the lowest rates possible.

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Sue Keil, Bureau of Environmental Services, reviewed major components of the new services, including weekly garbage and recycling collection and curbside pickup. She described the rate development process and the involvement of two outside consultants with expertise in rate setting. She said their goal was to fashion a system which would provide the best service at the lowest cost necessary and to encourage waste reduction and recycling.

Steve Donovan, Bureau of Environmental Services, described some of the assumptions used to build the rate model. He said a rate model was developed to determine the cost of services, taking into account efficiencies they want built into the system, such as the number of garbage and recycling stops per day. They also did studies of the kinds of service being provided. They found a fairly significant number of customers receiving every-other-week service and assumed that these persons would migrate to the weekly mini-can service. They are also introducing a new service, the small roll-cart, which they predict a tenth of current weekly customers will use. With those assumptions in place, rates were calculated to a cost-of-service basis. He noted that the cost for the mini-can cost is set below its cost of service to encourage a reduction in the amount of waste collected. That cost will be made up by charges for multiple and larger cans. He said they are balancing the true cost of services with policy-based incentives that encourage customers to reduce, reuse and recycle.

Ms. Keil commented on the dramatic increase in the cost to throw things away, noting that tipping fees have increased dramatically since 1988 from \$16.90 to the current \$70 per ton. She described the services that will be available, including roller carts and recycling-only service. She said people will be able to change their level of service within the first 90 days without incurring additional charges.

Jeanne Roy, Recycling Advocates, asked that rates per unit based on the amount of garbage produced rather than on the cost of the service. She also asked that monthly garbage service be offered and requested that yard debris collection begin at least by April. She said yard debris should be composted rather than put in the land fill. Finally, she asked for drop-off sites for the collection of junk mail and food cartons.

Judy Roumpf, 3345 NE 27th, said the mini-can incentive should not penalize the hauler who has fewer roller carts than the rate model suggests and therefore can not recover his costs. She said there needs to be an ordinance that collects the extra charge on the higher volumes of garbage and shifts it to those providing stronger recycling service levels. She also called for an adjustment in the rates to reflect the shift to mini-cans in order to generate enough money to recover costs. Finally, she asked for a delay in passage of the ordinance to address issues raised by the public.

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Bruce Lewis, President of Eastside Recycling, 2726 NE 65th, said the haulers support this rate structure. He said they have committed to the purchase of new equipment and asked that there be no delay in putting the new system into effect.

Estle Harlan, Tri-County Council, expressed that group's support for the rate schedule. She said route consolidation, which requires that haulers go by every house, will increase the incentive to pick up recycled goods. She added that promotion of the mini-cans will not be a disincentive to the haulers as rates can be revised if their use is larger than anticipated. She said any change in the ordinance now will cause costly delays and be a hardship on haulers who have ordered equipment on the basis of an operating margin rather than a fixed rate per household. She urged formation of a Solid Waste Advisory Committee to deal with on-going issues.

Pat Merkle, 3637 SW Canby Street, a member of the Citizens Advisory Committee, said the proposed rate structure is a good place to start and changes can be made later to correct any problems that arise.

David Rand, 4023 NE 32nd Ave., recommended that the loss to haulers from the mini-can service be spread across the board so that the cost of subsidization is shared equally. He also said charge for the back yard roller can service should be lowered and asked that the rule be changed which prohibits their use when stair steps are involved.

Ms. Keil said, in response to Jeanne Roy's testimony, that the rate per pound disposed is the same, four cents a pound. She said the problem with posting a monthly rate service, which they plan to offer along with weekly recycling, is that state law says that rotting garbage must be removed every seven days.

Commissioner Blumenauer asked if they had talked to the Department of Environmental Quality about this.

Ms. Keil said they have not been able to get a clear answer about this but that the haulers do intend to provide monthly service. She said they agree that yard debris collection should begin at the same time the new system goes into effect. She said home composting education is built into their education program and they also plan to support existing depots for the drop off of materials outside the recycling collection.

Ms. Keil said she is not troubled about having to get more efficient internally if less franchise money turns up. She said they believe people will reduce the amount of waste they put out for collection but they do not know by how much.

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Mayor Clark said enough planning has taken place and it is time to proceed.

Commissioner Blumenauer said the ordinance on the rate schedule will have its first reading on October 2 at the same time as the second reading of the franchise ordinance is heard. He noted that the Bureau will continue to fine tune these programs.

Ms. Keil noted that a Solid Waste Advisory Committee is being formed.

***1617** Amend Code to allow for voluntary participation of property owners in Economic Improvement Districts (Ordinance; Amend Code Chapter 3.122)

Discussion: Ruth Scott, Association for Portland Progress, asked for approval of this ordinance.

Mayor Clark said he is pleased that this is being implemented.

Disposition: Ordinance No. 164665. (Y-4)

***1612** Exempt from the prohibition against specifications requiring any product by brand name, and from the requirements of competitive bidding, the purchase of an 800 Mhz radio communications system and related services; waive City Code requirements for procurement of services related to the system; and authorize the Bureau of General Services to negotiate with Motorola C&E for the purchase of the system and related services (Ordinance)

Discussion: David Kish, Bureau of General Services, said only two companies, Motorola and General Electric, are able to provide 800 Mhz radio systems. He said one requirement for the service is that it allows people in different jurisdictions to speak to each other confidentially. He said linkage of the two competing systems through conventional channels linked by telephone lines does not provide the necessary security. He said the Motorola system was recently selected by Washington County to provide the 800 Mhz service and noted that Motorola was the only company that responded to its bid. He said the City's interest is in securing a system that will give it the maximum ability for agency intercommunication. He read portions of letters from experts in the field stating that the two systems are very dissimilar in their basic design and are not compatible.

Mr. Kish said they also feel purchase of parts and replacements over time will be more efficient and costs will also be lower if they are able to train repair people and operators at one common site with one common vendor. He said in case of a disaster such as an earthquake they would have access to other systems in the region.

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Mr. Kish said they recognize the touchiness of selecting a sole source provider for a project of this size and described the process by which Motorola was selected. He noted that General Electric failed to address the issue of system compatibility before today. He described the difficult relationship they have had getting information from GE and cited an earlier letter to Washington County from Mr. Roasa, GE Territorial Sales Manager, stating that there is no compatibility with other vendors' equipment.

Joe Bilasco, President, Adcom Engineering Co., said provision for similar systems is the only solution that allows maximum flexibility over the long term. He said the issue of secure voice systems would still remain even if the five mutual aid conventional channels were used.

Jeff Rogers, City Attorney, said his office was initially reluctant to approve a sole source contract on a matter of this size but are convinced that the criteria outlined in the Charter and ORS statutes for exemption from competitive bidding have been met.

Dave Sturdivant, Clark County Commissioner, supported the selection of a radio system that can be completely integrated with the rest of the region, particularly in a public safety area. He said differing radio systems do not integrate well and described the advantages of a regional approach.

Thara Bradshaw, Clark County Director of Regional Communications Agency, supported the staff recommendations. She said for better service to the community, the systems must be compatible.

Chief Wayne Inman, Police Bureau, said they are most concerned about compatibility and security. He urged Council to adopt the ordinance in order to have a system that allows them to talk securely to other jurisdictions.

George Monogue, Fire Chief, said units must be able to communicate directly with each other, especially in emergency situations. He said the compatibility issue is of overwhelming importance.

Diane Brandt, Washington County, emphasized that emergencies do not have jurisdictional boundaries and the ability to intercommunicate is critical.

Charles DeGroat, Ericsson General Electric, contended that radios operating from one manufacturer's system can communicate with radios from another company's system. He said GE has developed its radio trunk system to integrate with surrounding systems with no loss in performance. He asked for the opportunity to make a formal presentation to the City about the interoperability of the systems.

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Commissioner Lindberg asked what he thought about the police security issues raised and also asked why GE did not take advantage of the opportunities to meet with the City as outlined by Mr. Kish.

Mr. DeGroat said he thought the security issue could be successfully solved so that complete security could be provided. He said the City does have the material in the study in their hands but that they were not asked to give a specific technical presentation on this issue. He said they believe the confusion lies in the difference between interoperability versus compatibility. He said they believe the two have totally different meanings.

Commissioner Lindberg asked why they did not bid on the Washington County proposal.

Mr. DeGroat said they asked for additional time but their request was denied.

Mr. Kish said the Ericsson proposal today calls for conventional channels which do not allow one to communicate under all circumstances. He said the Motorola system will be secure. He said he understood that GE told Washington County they did not like the way the RFP was put together.

Commissioner Blumenauer said this has been reviewed extensively and police and fire deserve the best system possible, especially in emergencies.

Commissioner Kafoury said she was concerned because of the large size of the contract, but believes the issue of regionwide compatibility is most important.

Commissioner Lindberg said he would rely on the testimony of the experts and those appearing before Council today that Motorola was the best choice.

Mayor Clark said this is a good decision.

Disposition: Ordinance No. 164666. (Y-4)

S*1582 Authorize a contract with Motorola Communications & Electronics to furnish radio equipment for the Bureau of General Services - Communications Division (Ordinance)

Disposition: Substitute Ordinance No. 164667. (Y-4)

At 11:50 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF SEPTEMBER, 1991 AT 2:00 P.M.

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

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

- 1621** Tentatively deny, after consideration of LUBA remand, appeal of John C. and Bess I. Bartels and approve the application of Kelly and Barbara Bruun for a subdivision/PUD for Humphrey Heights (Findings; Previous Agenda 1516)

Discussion: John Bartels, appellant, asked for a one week continuance to allow his consultant more time to review the findings.

Mr. Kasting said technically findings are not new evidence but just a statement of Council's findings and conclusions. He said it would be discretionary for Council to allow the continuance.

Commissioner Kafoury moved to grant a one-week continuance. Commissioner Blumenauer seconded and the motion carried.

Disposition: Continued to September 25, 1991 at 2:00 p.m.

- 1620** Appeal of Joan K. Lewman against Hearings Officer's decision to approve the application of Kirby Dick for a 10-lot subdivision in an R10 zone located west of SW 19th, southeast of Boones Ferry Road, east of SW 22nd Avenue (Hearing; 91-00244 SU)

Discussion: Tom Bizeau, Planning Bureau, described the proposed subdivision, which lies on the boundaries with Lake Oswego and Multnomah County. He said the Hearings Officer recommended approval with conditions, most of them related to transportation issues. Mr. Bizeau showed slides of the point at which the proposed road from the development enters SW 19th and said the Office of Traffic Management and the applicant found there was 275 feet between the intersection and the crest of the hill on 19th. He said the Hearings Officer found that traffic will not significantly increase along SW 19th and that the site distances will be adequate for speeds up to 40 miles per hour. However, appellants contend the development's proposed exit is in a dangerous site-distance area. They also contend that the Hearings Officer's comment on Page 11, Paragraph 3 of his report is incorrect in stating that moving the proposed road closer to the south will create more of a site distance problem in relationship to traffic. Mr.

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Bizeau also showed slides to illustrate tree removal plans for both possible access routes.

Mr. Bizeau said the Office of Traffic Management found the report submitted by the applicant to be adequate, based upon a 25-mile per hour speed. He said speeds generally exceed this but even at 40 miles per hour Traffic Management found the site distance adequate. To address traffic concerns, the Hearings Officer added Condition F calling for applicant to solve the site distance problem through the removal of vegetation.

Joan Lewman, appellant, requested that the exit from the development be moved to the southern portion of the property as they believe the proposed exit will be much more dangerous. She objected to this development because it establishes a neighborhood within a neighborhood. She also asked for less density and for preservation of the trees on Lots 3 and 4.

John Brosy, David Evans and Associates, represented the applicants. He said the issues raised by the appellant have been reviewed carefully and thoroughly by the Hearings Officer. He said there is very little difference between the two road schemes in terms of tree preservation. He noted that the Traffic Management Office has concluded that SW 19th is the best location for the exit.

John Couch, 1221 SW Englewood Drive, said the proposed location of the exit is dangerous because of excessive speeds on SW 19th.

Barry Woods, 12731 SW 19th, questioned the effectiveness of the Hearings Officer's decision regarding site distance. He said cars go far faster than the 25 minute speed limit and also disputed the stated site distance. He also asked for clarification about the number of trees to be preserved. Finally, he asked that Lot 10 be buffered because of its narrowness.

Susan Swartz, 12731 SW 19th, Lake Oswego, expressed her concerns about density and about a development with a vastly higher density than surrounding properties. She also objected to the narrow width of Lot 10.

Claudia Steichen, 12745 SW 19th, Lake Oswego, also requested a lower density on the site and preservation of the trees.

Sandra Jernstadt, 12800 SW Goodall Rd., Lake Oswego, said her greatest concern is traffic safety. She said she would like to see the driveway moved because of the way the road crests at the entry point.

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Commissioner Kafoury asked if a three-way stop would help.

Ms. Jernstedt said a light would be best but that she still believes the driveway is mislocated.

Mr. Brosy said the Bureau of Traffic Management is satisfied with the proposal. He noted the developer's plan for traffic improvements on SW 19th, including installation of a three-way stop. He said the City has an obligation to the statewide housing goals and added his belief that it would be inadvisable to tamper with the number of lots.

Commissioner Lindberg asked whether a study of traffic speeds had been done.

Mr. Bizeau said no speed study had been done, only Traffic Management's estimation of possibilities beyond the 25 miles per hour limit.

Commissioner Kafoury asked if that meant the 275 feet site distance could be wrong.

Mr. Bizeau said no, that was right.

Mayor Clark said it sounds like there is a problem if traffic is going as fast as indicated in the testimony.

Erica Rooney, Bureau of Traffic Management, said the applicant measured the site at the request of the Bureau to make sure it was adequate. She said the Bureau put the burden of proof on the applicant to do the measurement.

Commissioner Lindberg wondered if a light might be installed, possibly through a Local Improvement District. He said he feels the new exit onto SW 19th will add to the safety problem because of the lack of enforcement.

Commissioner Blumenauer said Transportation has a finite number of dollars to spend and very strict criteria for placement of traffic signals. He suggested exploring an LID to pay for a signal, especially since the applicant has already agreed they would participate in an LID. He said while it does not appear that there is any legal basis to reject the application, there are some very real traffic safety enforcement programs concerns that should be looked at.

Commissioner Lindberg said he would feel a lot more comfortable voting for this development if he knew there would be some follow up on this issue.

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Council members noted the enforcement problems involved because of the development's location on the boundaries of three governmental jurisdictions.

Commissioner Kafoury asked if the findings should be amended to reflect these concerns.

Mr. Kasting said in terms of improving the intersection that would not require an amendment to the findings. He suggested deleting the third paragraph on Page 11 of the Hearings Officer's report because it is garbled and somewhat confusing.

Commissioner Kafoury moved to delete that paragraph. Commissioner Blumenauer seconded and the motion carried (Y-4).

In response to a concern raised about density, Mayor Clark said the density has already been established for the area. He said it could be changed beforehand but not after someone has made an application.

Commissioner Kafoury moved to approve the Hearings Officer's findings as amended with a special note of concern about the traffic issues. Commissioner Blumenauer seconded and roll was called (Y-4).

Commissioner Lindberg suggested holding a meeting of the three jurisdictions to see if something could be done to improve the traffic safety at this location.

Disposition: Appeal denied. (Y-4)

1619 TIME CERTAIN: 3:00 PM - Consider findings 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 1477)

Discussion: Bob Glascock, Planning Bureau, asked for additional time for consideration of revised findings to allow them to more fully reflect the comments and concerns received from both sides.

Mr. Kasting asked the parties if they wished additional time for review of the revised findings.

Stephen Janik, attorney representing Joe Angel, said yes.

Commissioner Kafoury moved to hold the hearing over to another date.

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Mr. Glascock said the next available date is October 24. He said if oral arguments were dispensed with and a decision was made upon the written comments, the matter could be scheduled at an earlier time.

Mr. Kasting asked if any of the parties objected to making all their comments in writing.

Mr. Janik objected, arguing that they had been promised an opportunity for oral argument. He said they only had 24 hours to make written comments on the set of findings that preceded this set.

Mr. Kasting said if the parties wish oral argument, there is no problem with allowing it.

Disposition: Continued to October 24 at 2:00 p.m. Time Certain.

Cay Kershner, Clerk of the Council, noted that a substitute had been filed for Item 1580 which was heard on the Consent Agenda Wednesday morning. In order to accept the substitute, Council must vote to reconsider the item.

Commissioner Kafoury moved for reconsideration. Commissioner Lindberg seconded and the motion carried. The Clerk read the agenda item.


S*1580 Increase contract for design of the Rivergate Vehicle Storage Facility (Ordinance; Amend Contract No. 26227)

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

Disposition: Substitute Ordinance No. 164635. (Y-4)

At 3:05 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council

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THURSDAY, 2:00 PM, SEPTEMBER 19, 1991

**DUE TO THE LACK OF AN AGENDA
THE MEETING WAS CANCELLED**