



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF NOVEMBER, 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.

David Olson, Bureau of Cable and Franchise, announced that Portland Cable Access will begin carrying Portland Public Schools Board meetings live in the near future.

Agenda Nos. 1805, 1807, 1813 and 1830 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA**

**1803** Accept bid of D.C. Hopkins for Skavone Stadium Reconstruction for \$343,631 (Purchasing Report - Bid 16)

**Disposition:** Accepted. (Y-5)

**1804** Accept bid of First Cascade Corporation for Montavilla Community Center restoration for \$326,345 (Purchasing Report - Bid 20)

**Disposition:** Accepted; prepare contract.

**Mayor J. E. Bud Clark**

**\*1806** Authorize sale of property located at 687 N Thompson Street (Ordinance)

**Disposition:** Ordinance No. 164772. (Y-5)

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- \*1808** Authorize an intergovernmental agreement between the City of Portland and Multnomah County to arrange provision of transmission services to the County through the City's contract with Cellular One (Ordinance)
- Disposition:** Ordinance No. 164773. (Y-5)
- \*1809** Pay claim of Deanna Washington (Ordinance)
- Disposition:** Ordinance No. 164774. (Y-5)
- \*1810** Pay claim of Dechee Parker (Ordinance)
- Disposition:** Ordinance No. 164775. (Y-5)
- \*1811** Approve scope of work and budget for the Downtown Economic Improvement District (Ordinance)
- Disposition:** Ordinance No. 164776. (Y-5)
- \*1812** Request by Morrison Park East tenant for exemption from polystyrene foam prohibition (Ordinance)
- Disposition:** Ordinance No. 164777. (Y-5)
- \*1814** Establish interest rate and penalty charges for delinquent accounts in foreclosure (Ordinance)
- Disposition:** Ordinance No. 164778. (Y-5)
- \*1815** Authorize an agreement with Preston Thorgrimson Shidler Gates & Ellis for bond counsel services (Ordinance)
- Disposition:** Ordinance No. 164779. (Y-5)
- \*1816** Authorize an agreement with Davis Wright Tremaine for bond counsel services (Ordinance)
- Disposition:** Ordinance No. 164780. (Y-5)
- \*1817** Authorize retroactive extension to Legal Services Agreement with Anna J. Brown of Bullivant Houser Bailey Pendergrass & Hoffman (Ordinance)
- Disposition:** Ordinance No. 164781. (Y-5)

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Commissioner Earl Blumenauer

**1818** Accept completion of NE 120th Avenue and NE Broadway Sanitary Sewer and make final payment (Report; Contract No. 27097; C-9764)

**Disposition:** Accepted.

**1819** Accept final certificates of completion and approve Change Orders for the Englewood Units I, II, III, IV; Richardson and Floyd Light Sanitary Sewers and provide for final payments (Report; C-9700-1, C-9700-2, C-9700-3, C-9700-4, C-9701, C-9702)

**Disposition:** Accepted.

**\*1820** Accept a sewer and water facility easement for the NE 101st Avenue north of NE Sandy Boulevard Sewer Project, granted by Miken Development Co., at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164782. (Y-5)

**\*1821** Accept pump station easement for the NE Sunderland Avenue west of NE 33rd Drive Pump Station Project, granted by the Port of Portland, at no cost to the City (Ordinance)

**Disposition:** Ordinance No. 164783. (Y-5)

**\*1822** Accept a pump station, access and utility easement for the NE 101st Avenue east of NE Bell Drive Pump Station Project, granted by Robert W. Blewett and Carol J. Blewett, authorizing total payment of \$4,580 (Ordinance)

**Disposition:** Ordinance No. 164784. (Y-5)

**\*1823** Amend contract with CH2M-Hill, Northwest, to study the long range transportation network requirements for the Coliseum area as they relate to North Portland, the Lloyd District and the Albina Community Plan (Ordinance; amend Contract No. 26956)

**Disposition:** Ordinance No. 164785. (Y-5)

**\*1824** Amend agreement with Oregon Department of Transportation, Highway Division to provide State funds for the N Marine Drive, Rivergate to Interstate 5 Project (Ordinance; amend Agreement No. 21590)

**Disposition:** Ordinance No. 164786. (Y-5)

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**\*1825** Modify contract with Shiels & Obletz to extend completion date of services for the NE Airport Way Project (Ordinance; modify Contract No. 25053)

**Disposition:** Ordinance No. 164787. (Y-5)

**\*1826** Authorize execution of a Consent Order with the Department of Environmental Quality of the State of Oregon for the Guilds Lake Industrial Site (Ordinance)

**Disposition:** Ordinance No. 164788. (Y-5)

**\*1827** Amend City Code to remove the requirement to use registered or certified mail when sending notification of mandatory sewer connection (Ordinance; amend Code Section 17.33.010 (A5))

**Disposition:** Ordinance No. 164789. (Y-5)

**\*1828** Call for bids for the Cambridge Village Sanitary Sewer Project, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164790. (Y-5)

**Commissioner Gretchen Kafoury**

**\*1829** Amend Ordinance Nos. 135025 and 135602 to correctly identify recipient of revocable permits (Ordinance)

**Disposition:** Ordinance No. 164791. (Y-5)

**Commissioner Mike Lindberg**

**\*1831** Call for bids for terrace restoration at Pittock Mansion, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164792. (Y-5)

**\*1832** Call for bids to install pathway lighting in Creston, Grant, Wilshire and Willamette Parks, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164793. (Y-5)

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- \*1833** Authorize amendment with James M. Montgomery Consulting Engineers, Inc., for \$90,700 for additional engineering services for the Surface Water Treatment Rule Compliance Improvements and provide for payment (Ordinance; amend Contract No. 26783)

**Disposition:** Ordinance No. 164794. (Y-5)

**City Auditor Barbara Clark**

- 1834** Appoint H.W. Bill Hamilton and Daniel P. Klee to Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

**REGULAR AGENDA**

- 1805** Accept bid of HEPCO Equipment Company for furnishing one closed rock washer and conveying system for \$39,543 (Purchasing Report - Bid 22)

**Discussion:** Cay Kershner, Clerk of the Council, said a request had been made to continue this item one week.

**Disposition:** Continued to November 13, 1991 at 9:30 a.m.

- 1807** Make certain determinations and findings related to and adopt the Sixteenth Amendment to the Downtown Waterfront Urban Renewal Plan (Ordinance; Second Reading Agenda 1796)

**Disposition:** Ordinance No. 164795. (Y-5)

- \*1813** Amend agreement with Campbell Resources, Inc., to extend Landlord Training Program in order to provide additional services to hotels and motels, not to exceed \$2,810 (Ordinance)

**Discussion:** The Clerk said a request had been received to refer this back to the Mayor's Office.

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

- \*S-1830** Accept a \$10,000 donation from the Portland Amateur Baseball Association (PABA) for the reconstruction of Sckavone Stadium (Ordinance)

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**Discussion:** The Clerk noted that a substitute had been filed changing the amount of the donation from \$20,000 to \$10,000. Commissioner Lindberg moved the substitute. Commissioner Bogle seconded and the motion carried. (Y-5)

**Disposition:** Ordinance No. 164796. (Y-5)

**1802 TIME CERTAIN: 9:30 AM** - Request from TRAX Corporation to assume ownership and control over Broadway Enterprises, Inc. (Report)

**Discussion:** Dennis Nelson, License Bureau, said the question before Council today is whether TRAX Corporation should assume ownership of this company.

Commissioner Lindberg asked if this would improve service.

Mr. Nelson said he believes new ownership will bring substantial new management techniques to the industry and will replace a financially troubled company with one with the financial resources necessary to operate a taxicab company with 136 permits. He said the Bureau also believes the new entrant will provide active competition to improve service.

Stephen Janik, attorney representing TRAX Corporation, said the new company will bring professional management, financial stability and improved scheduling to the old organization. He said the company will also deal with the problem of drivers rejecting short trips. He asked for approval of the ownership transfer even though, because the matter involves a federal bankruptcy proceeding, it is not really a decision for Council to make. He said TRAX was chosen by the bankruptcy court as the best company to take over Broadway Cab.

Commissioner Bogle said today's hearing concerns only the transfer of ownership to TRAX. He said Council understands the concerns of former Broadway Cab owners but this is not the proper forum to discuss those grievances. He said the License Bureau plans to review medallion style regulations in its overall review of taxi regulations at the end of the year.

John Cornelius, Acting President, PACT, opposed approval. He said TRAX intends to pay minimum wage plus tips which will cause a hardship to cab drivers. He asked for a delay until such time as his organization can submit a proposal to Council.

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Alvin Deady, 2707 NE Wasco, a Broadway cab owner-operator, said he is losing everything he had invested with the company. He said giving all the permits to TRAX forces him to work for them or nobody. He asked that the City keep a few permits or give them to another cab company so that he would have a choice.

Steve Etler, President, Radio Cab, said he feels great empathy with the old time drivers of Broadway Cab, many of whom have lost their life savings. He said his company does not have enough permits to go around and suggested that the redistribution of permits be reviewed.

Gene Brown, 5714 SE 51st, a Broadway Cab driver for 20 years, supported the transfer to TRAX. He said George Van Hoomissen will bring the professional leadership that Broadway Cab lacked. He said the settlement agreement allows drivers to retain or transfer their right to drive to someone else. He said he believes this will benefit the City by having two strong cab companies.

Commissioner Bogle asked him to participate in a biannual study of the way the City regulates the cab industry.

Bill Muir, 725 SW 29th, said TRAX is bringing in needed financial strength and management skills. He said the past management of Broadway Company did a great disservice to its employees and hoped they would no longer be in management positions.

Bob Elliot, Portland Taxi, objected to retaining in the new company the same people who held key management positions at Broadway Cab. He said he also fears profits will be drained off to go to East Coast investors.

Randy Owens, Vice President, Portland Taxi, 5542 NE Flanders, complained about having less than 48-hours notice to look over the documents and asked for a set over to allow more time for review.

Judy Pachano, 13449 SW Vermeer, Lake Oswego, a member of the Unsecured Creditors Committee, said the committee overwhelmingly recommends transfer of the permits to TRAX.

Mary Lynn Ball-Brown, Rose City Federal Credit Union, 5714 SE 51st, said Rose City took over the Broadway Cab Credit Union and believes that it will have a better chance to collect on its loans if TRAX takes over the permits.

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Richard Baldwin, 7149 N. Macrum Street, a Broadway Cab investor, supported the transfer, stating that Council is not the proper place for the cab drivers' alleged suit. He said he has lost \$24,000 and believes the Council's inactiveness in regulating created a lot of the problems that have resulted. He called for restructuring the taxi permit system.

Mr. Janik said the cab drivers will operate as independent contractors, paying a fee to the company for services rendered. He said as part of the bankruptcy court plan an agreement on work conditions and rules was negotiated with representatives of the drivers. He said the condition of the drivers will generally be the same - the only difference is that they will not be owners of the company with the right to vote. He said the company will be run by George Van Hoomissen, an Oregon resident, and most of the investors are also Oregon residents.

Commissioner Bogle moved to accept the report. The motion was seconded and carried. (Y-5)

Commissioner Blumenauer said many of the concerns raised today are troubling and it appears that a review of the City's relationship to the taxi industry is needed. However, he said, this appears to be a positive step.

Commissioner Bogle said he is looking forward to the biannual review to see if the City should play a more significant role in the taxicab industry.

Commissioner Kafoury said she supports the change but agrees it is time to look at the issues that have been raised.

Commissioner Lindberg said he believes the competition the new company will bring will be very healthy.

Mayor Clark said his basic belief is that the less government interference, the better. However, he said the taxi cab industry is a good example of a business that needs regulation.

**Mayor J. E. Bud Clark**

**S-1835** Transmit Annexation Proposal A-10-91 to the Portland Metropolitan Area Boundary Commission (Report)

**Discussion:** The Clerk said substitutes had been introduced for both this report and the accompanying resolution because additional territory was added to the annexation proposal.



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Commissioner Kafoury moved the substitutions for both items.  
Commissioner Lindberg seconded and the motion carried.

**Disposition:** Accepted.

**S-1836** Authorize filing annexation case A-10-91 in South Wilkes with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

**Disposition:** Resolution No. 34913. (Y-5)

**S-1837** Authorize submission of FY 91-92 Fall Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

**Discussion:** The Clerk noted that a substitute had been filed.  
Commissioner Bogle moved substitution and the motion carried.

**Disposition:** Resolution No. 34914. (Y-5)

### **Commissioner Earl Blumenauer**

**1838** Transmit report on Sewer Safety Net Program eligibility revisions (Report)

**Discussion:** Commissioner Blumenauer said this is the first of a series of activities dealing with a review of the Mid-County Sewer Program. He said this allows them to expand eligibility for the safety net.

Bonnie Morris, Mid-County Sewer Customer Service Manager, said they want to expand eligibility now because they were successful in getting state monies to fund the program and because they are only spending about 70 per cent of what they originally thought they would and wish to use all the money allocated to them.

She explained the new criteria for eligibility and how it would affect residents at various income levels. Ms. Morris said the current safety net already catches the elderly but this revision will extend help to families.

Commissioner Blumenauer said there still is a lot of disinformation and many people are not aware of what they are eligible for. He said they think there will be a 22 per cent increase in eligibility as a result of this change.

**Disposition:** Accepted. (Y-5)

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\*1839 Authorize a contract with Alden Analytical Laboratories to conduct tissue analyses for the Columbia Slough Water Quality Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164797. (Y-5)

**Commissioner Dick Bogle**

\*1840 Authorize the Department of Public Safety to negotiate with Planning Research Corporation, Inc., (PRC) for purchase of computer aided dispatch system and a mobile digital terminal system and related services (Ordinance)

**Discussion:** Commissioner Bogle said this allows the Department to negotiate with the low bidder but does not authorize them to spend the money yet.

**Disposition:** Ordinance No. 164798. (Y-5)

**Commissioner Gretchen Kafoury**

\*1841 Contract with Central City Concern for \$128,157 for the Inebriate Pick-up Service and provide for payment (Ordinance)

**Discussion:** Commissioner Kafoury said this is an absolutely essential service and noted that the CHIERS people have agreed to expand their services to neighborhoods outside the downtown core area.

Mayor Clark said he was concerned about the City stepping in at this time because of the ongoing meetings with the County about their respective responsibilities. He said if the City is going to pay for CHIERS, the County should pay for funding a new District Attorney position proposed by District Attorney Schrunk.

Commissioner Bogle said he agreed to picking up the cost of CHIERS because of its importance but believes the County should fund a program commensurate with the City's commitment.

Commissioner Kafoury noted some additional concerns with the County but said she does not believe the CHIERS program should be held hostage.

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Individuals speaking in support included:

Robert McKinley, Northwest Tower, 335 NW 19th  
Frank Dixon, 1827 NW 29th  
Lee Lacey, President, Downtown Community Association  
Debbie Wood, Director, Central City Concern

Supporters said they welcome expansion of the CHIERS program, calling it a cost-efficient program that allows Police to devote more time to serious crimes. They also called for adding a mental health worker through Project Respond.

Commissioner Blumenauer asked if the intent of this action was to increase the public safety baseline and pick this up as an ongoing expense. He said he assumed this was the consensus of Council.

Commissioner Kafoury said yes, adding that she planned to work with the County to expand the service to add the mental health component.

Commissioner Blumenauer proposed giving instructions to the Office of Finance and Administration to adjust the base line for next year's budget to include this.

Mayor Clark said it is a great savings for both Police and Fire.

**Disposition:** Ordinance No. 164799. (Y-5)

1842 Amend Title 33 of the City Code to provide for contingency protection of forests (Ordinance)

**Discussion:** Commissioner Kafoury said the Planning Bureau hopes that with this Code amendment they will be able to permanently fix the need for emergency forest protection and ensure that no lapse occurs as plans are appealed to LUBA. She said if such plans were remanded to Council there could be a period when there was no protection.

Al Burns, Planning Bureau, said that under state law, Council-adopted land use laws are not acknowledged as in compliance with state-wide planning goals while under appeal. He said the Bureau fears that, without this ordinance, a resource might be lost during such an appeal process. This ordinance would add contingency regulations to the Code but not be applicable to anyone unless there was a remand.

Commissioner Lindberg said some questions had been raised about adequate notification.

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Logan Ramsey, 3026 NW Skyline, said he believes the lack of notice violates the public meeting notice law. He said the ordinance circumvents Goal 5, violates due process and puts an undue burden on property owners due to the cost of a temporary review in order to get a building permit. He requested a one-week delay to allow for further testimony and asked that his testimony on the NW Hills Natural Protection Plan, on his appeals of several recent land-use decisions and on the five prior forest ordinances be included in the record.

Mr. Burns explained the notification procedure but said staff had no objections to a continuance.

Commissioner Kafoury said it has been clear all along that this ordinance was expiring November 18 and that the Bureau would be back before then with a new ordinance.

Don Joyce, Joyce Enterprises, 226 NW Hermosa Blvd., asked for clarification of provision F of Exhibit A. He requested an exemption from the prohibitions for property he owns on Skyline Blvd. because of assurances he had received from the Bureau that these lots, as approved in CU 122-90, were buildable.

Mr. Burns said Mr. Joyce's application had been reviewed for tree preservation measures and it would be exempted from review.

Stephen Janik, attorney representing Forest Heights, said they were originally told that their undeveloped property would be subject to this ordinance. He said he learned this morning that it would be exempt from its requirements and asked for assurance that this was correct.

Mr. Burns said the Forest Heights area had been excluded because of its R10 Comp designation.

Earl Grove, Chairman of the Land Use Committee of the Forest Park Neighborhood Association, said their board voted some weeks ago unanimously to approve this extension.

Commissioner Kafoury said she wanted to clarify that this was not another extension and this should be the last fix that is needed.

Mr. Burns said this ordinance establishes a process for compliance with statewide planning Goal 5 on a case-by-case basis if permit regulations become unacknowledged. He said it is awkward but does prevent the problem of having unregulated resources. He noted a change on the mapped areas from the Planning Commission's version which originally

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included the Terwilliger Design District but was later broadened to the Southwest Hills Plan area. Also, he said the date on first page of the ordinance should be changed from May 1, 1991 to 1992.

Commissioner Kafoury moved to change the date. Commissioner Blumenauer seconded and the motion carried.

**Disposition:** Ordinance No. 164800 as amended. (Y-5)

**Barbara Clark**

**1843** Assess benefitted property for the costs of constructing the Boyles Sanitary Sewer System (Hearing; Ordinance; C-9695)

**Discussion:** Karen Kramer, director, Mid-County Sewer Project, said Boyles is primarily residential and the average assessment is \$5268 with a connection charge of \$965. Over 20 years, the monthly finance charge would be \$49. She said there is also an average additional private plumbing charge of \$1500 to connect from a home to the branch line in the street. She said they believe additional financing mechanisms should be available for that.

Ms. Kramer said 56 remonstrances were received plus seven or eight which came in after the deadline. She said most remonstrators raised cost and affordability issues. She explained that people have had four to five years of advance notice that the project was on line and some estimate as to costs. She said in 1987 when they were initially notified, the cost estimate was \$.45 per square foot, significantly less than the current estimate.

Jackson M. Douthit, 10321 SE Center, objected to the manner in which his property had been assessed. He said his property was not large enough to be developable. He said the cost of the sewer is over half the cost of his house and believes the assessments are unfair.

Commissioner Blumenauer said staff were available to doublecheck and make sure there were no mistakes.

Richard Jacobson, 4154 SE 103rd, objected to the 40 percent increase over the initial 1987 estimates.

Ms. Kramer described what has happened to sewer construction costs since the initial estimates were issued. She said the Boyles people received an official estimate in May, 1989. She said since 1985 costs have gone up 38 percent.

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Commissioner Bogle asked if this was the first opportunity Mr. Jacobson and his neighbors have had to address this issue.

Ms. Kramer said there was a preliminary hearing in 1989, noting that the 1989 estimate was very close to what it is today. She said the Bureau renotified in 1989 as soon as they realized prices were going up.

She said Mr. Douthit, while he has a small house, has a large property, which makes the costs higher.

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

**Disposition:** Remonstrances overruled. Passed to second reading November 13, 1991 at 9:30 a.m.

At 11:43 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF NOVEMBER, 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.

**TIME CERTAIN: 2:00 PM** - Appeal of Buckman Community Association against Hearings Officer's decision to approve the application of Youth Progress Properties, Inc., for a conditional use to increase the number of residents in a residential care facility at 1314 SE Taylor (Hearing; CU 114-90)

**1844 Discussion:** Laurie Wall, Planning Bureau, said a conditional use is required because some of the youth housed in this facility are on parole or probation. Otherwise the use would be allowed outright. The Hearings Officer found that the proposal met the approval criteria. Since September, 1990, in response to neighborhood concerns, the applicant has added additional supervisory controls. She said the Buckman Neighborhood Plan was adopted after this application had been submitted so it does not apply to this proposal.

Ms. Wall said the Buckman Neighborhood Association believes this expansion will reduce livability. She noted that the Hearings Officer added conditions regarding supervision and compliance with previous conditions, and also called for better communication with the Buckman neighborhood.

Patty Morris, Buckman Neighborhood Association, said the consolidation of two homes (Taylor House and Wheeler House) into one will degrade the neighborhood. She said they support the group home concept, noting the number of group homes and other social agencies that have been welcomed into the neighborhood. However, in this case, lack of adequate supervision has resulted in incidents of noise and unruly behavior that will only increase with the addition of five boys. She said conditions of approval are almost never enforced.

Commissioner Kafoury asked if it were true that most of the negative incidents happened prior to September, 1990.

Ms. Morris said at the Hearing there was considerable testimony about more recent incidents. She said it is the consolidation of the two homes and the increase in the number of boys that makes the situation intolerable to the neighborhood.

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Don McGillivray, Buckman Neighborhood Association Board member, said the Buckman Neighborhood Association has voted overwhelmingly against this proposal on several occasions. He noted that the Buckman Neighborhood Plan calls for a halt to the number of care facilities.

Commissioner Lindberg asked if there were any statistics about the number there now. He said he remembered Council arriving at a consensus that Buckman had reached the saturation point.

Commissioner Kafoury said the Planning Bureau will address a siting policy in the near future for such facilities.

Commissioner Lindberg asked if this violated the Buckman Plan.

Ms. Wall said the Buckman Plan does not apply in this case since this application was submitted prior to its adoption.

Robert Costi, Director, Youth Progress Properties, said they are attempting to alleviate a serious financial problem through consolidation of the two homes. He said in September, 1990 a totally new supervisory program was initiated in response to neighborhood concerns. He reviewed supervisory practices and client rules.

Mr. Costi noted support from nearby neighbors and assured Council that immediate corrective action is taken when problems occur. He said they have tried to abide by all Code regulations and to participate fully in community programs. He asked that Council approve the consolidation.

Commissioner Bogle asked how many times Police have been called since September 1990.

Mr. Costi said nine times.

Selene Pelas, Taylor House Supervisor, said of the nine calls, two were assaults between clients, not outsiders, and the remainder were runaway calls. All were internally initiated.

Individuals speaking in support of the consolidation included:

Tom Slanning, 1314 SE Taylor  
Jeremy Gunn, 1314 SE Taylor  
Nancy Dean, 1236 SE Yamhill, supervisor at Yamhill House  
Joan LeBarron, 2121 Kaen Road, Oregon City  
Pete Norman, YPP Board member  
Paul Erickson, 13021 NE Holladay Court, chair of YPA Board  
Keith Raines, 807 NE Alberta



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Supporters cited positive changes that have been made in the program and the need for consolidation to ensure the survival of the organization. They said YPP currently also operates Smith House, which has 12 residents, without problems and with cordial relationships with neighbors.

Individuals speaking in opposition included:

Kama L. Dersham, 3004 SE Yamhill  
Roberta Rowe, 1305 SE Salmon  
Scott Bulman, 1106 SE 13th, Apt. 35  
Charles Fall, 2315 SE Oak  
Dave Browning, 521 SE 18th  
H.V. Lidell, 1234 SE Taylor  
Katherin Larkin, owner of a nearby apartment building

Opponents said this increase will result in an overcrowded environment and additional problems. They asked Council to look at the history of the program, not just the good intentions. They said while complaints have decreased in the past year, neighbors are still threatened by this house and any increase in incidents will be intolerable.

Mayor Clark asked if both houses would continue to operate if this request was turned down.

Ms. Wall said yes.

Ms. Morris said the neighborhood wants to see the program continue but not with 12 residents.

Mr. Costi said he has been requiring staff to attend Buckman neighborhood meetings for the last 10 months. He said the issue for YPA is financial and without the consolidation the issue will be closure of one of the facilities.

Commissioner Blumenauer said this is a solid program which no one wants to lose and which has seen improvements in the past 10 months. However, he said, he finds the Buckman testimony compelling because it has the best record of any neighborhood in the City for accommodating care facilities. He said he is inclined to grant the appeal with the stipulation that the applicant continue working with the neighborhood association to see if a better track record can be developed and then reapply in the future.

Kathryn Imperati, Senior Deputy City Attorney, said Council could state that was their intention in the findings.

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Commissioner Blumenauer moved to tentatively overturn the Hearings Officer's decision and grant the appeal. Commissioner Lindberg seconded the motion.

Commissioner Lindberg said it is not fair to punish the neighborhood because of the financial problems of Youth Progress.

**Disposition:** Tentatively grant appeal; prepare findings for December 4, 1991 at 2:00 p.m.

**\*1845 TIME CERTAIN: 3:00 PM** - Adopt Natural Resource Inventory, ESEE Analysis, Southwest Hills Resource Protection Plan; amend Comprehensive Plan and Title 33 of the City Code; amend Official Zoning Maps of the City of Portland; and direct study on implementation of land bank (Ordinance)

**Discussion:** Commissioner Kafoury said the goal of this Plan is to protect forest lands and the environment but not to use it as an inadvertent means of downzoning. She said the ordinance can be set over for one month to work on some of the issues that have been raised by homebuilders and other groups. She said the issue about the construction season has been resolved.

Tim Brooks, Long Range Planning Bureau Staff, said this is the fifth of a series of City plans to preserve open space and protect natural and scenic resources as required under statewide planning Goal 5. He said the SW Hills Plan covers 7,000 acres and described the guidelines formulated to develop specific protection measures. He outlined the primary components of the plan, including amendments to the zoning Code and implementation of a land bank for parks and natural areas acquisition.

Mr. Brooks said staff proposed two amendments to the adopting ordinance today as described in a Nov. 7, 1991 memo to Council. The first is a map amendment affecting a few lots along Terwilliger and the second would remove the construction season limitation and add additional controls to guard against erosion. He said Staff recommends that Council take public testimony today and leave the written testimony open through Wednesday, November 13 and then have staff return on December 4 with a summary of the issues raised. At that time additional testimony on those issues could be heard.

Commissioner Kafoury moved the two amendments contained in the Nov. 4 memo. Commissioner Lindberg seconded and the motion carried.  
(Y-5)

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Individuals speaking in support of the Plan in general included:

Kay O'Dea, 11948 SW 34th  
Mike Houck, Audubon Society  
Blanche Broderick, 11405 SW Lancaster Road  
Peg Von Dreek, 736 SW Cheltenham  
Doug Weir, 342 SW Hamilton Court  
Marcia Hoyt, 6023 SW 3rd, representing FAUNA

Plan supporters said the EC and EP zones designations are reasonable and badly needed to preserve the natural areas and prevent overconstruction.

Individuals speaking in support of added protection zones along Terwilliger Parkway included:

Ann Gray, 3953 SW Terwilliger  
Jeanne Galick, 7005 SW Virginia, Corbett Terwilliger Lair Hill  
Neighborhood Association  
Barbara Devine, President, Southwest Hills Protection League  
Kathleen Heineman, Friends of Terwilliger  
Stephen Leflar, 0223 SW Gibbs  
Alex Pierce, 650 N.W. St. Helens Ave.  
Turk Murphy, 1239 SW Woods  
Kay Durtschi, 2230 SW Caldew  
Barbara Walker, 1906 SW Edgewood  
Mark Turner, 5205 SW Menefee Drive

Many of those speaking with concerns about Terwilliger cited the lack of enforcement of existing regulations, including illegal signs for OHSU, and called for 200 foot buffers on each side of the Parkway.

Individuals speaking with concerns about added development costs and the lack of clear and objective building standards included:

Jon Chandler, attorney representing Common Ground, 15555 SW Bangy Road, Lake Oswego  
Drake Butsch, Home Builders Association, 15555 SW Bangy Road, Lake Oswego

In addition, the Council heard from individuals requesting specific zoning designations or recommending other changes.

Cathy Witte, 10921 SW Lancaster Rd., questioned the zoning designation on her property and said the map was not accurate.

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Frances Mauck, 10931 SW Lancaster Rd., asked whether she would be allowed to build on her property. She said the EP zone will restrict her from developing or selling.

Michael Mauck, 10940 SW Lancaster, representing his mother, said the ruling will condemn property which his mother has paid taxes on for many years based on the premise that it was salable.

Linda Tipton, 11948 SW 34th, asked that Map 4226 be corrected to note a water feature coursing father north than is indicated.

Robert McGowan, 2435 SW Palatine St., proposed two map changes and presented a petition with 120 names requesting a EP rezoning of two parcels of land known as Palatine Heights and Woodley Heights.

Gordon Ranta, OHSU, supported the plan in general and said he believes any glitches can be worked out with staff. He said the signing issues raised earlier continue to pose a problem both for them and for neighbors.

John Brosy, David Evans and Associates, said he has never seen a document as premature or unready to become City law. He said the maps are very unprofessional, making it is very difficult for landowners to determine if the EP or EC zone actually applies to their property. He said the additional layer of restriction trashes the work of the Design Commission along Terwilliger Boulevard.

Bill Stocking, 10640 SW Lancaster, said he can work with the EC and EP designations on property on Arnold, between 11th and 12th.

Steve Janik, attorney, representing the Christina View development, asked if this project, which had been approved by Council but is now being appealed, was exempt from the Plan. He said the rules in effect at the time of application should remain in effect for projects still in process.

As attorney for River View Cemetery, Mr. Janik said its 325 acres is the single largest property to be affected by the Plan. He said the designation of 143 acres for EP and 125 acres for EC zoning, some on areas already covered by grave sites, will require them to quit mowing grass and add native plants. Also, the potential loss of 143 acres for future grave sites could result in a loss of revenue of over \$127,000,000.

Stephen Dudley, Trustee of River View Cemetery, said about 175 acres of the cemetery are still available as a resource and will remain in a natural state until there is a need for it. He said restricting the sale of new grave sites would create serious financial consequences.

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Robert Simon, Wilson Park Neighborhood Association, asked for EP protection of Site 116, Steffens Creek Area, rather than the presently designated EC.

Wesley Risher, 1627 SW Troy, chair of the Wilson Neighborhood Association, asked for a higher level of protection for quarter sections 3727 and 3728 to preserve open space.

Lucille Beck, 1430 SW Englewood Drive, Friends of Tryon Creek, said several parts of Tryon Creek Park could easily be made EP and there is one R10 area that has been open space which should also have an EC designation. She also asked about cooperation with Multnomah County to ensure protection of the area.

Dennis Goodman, 10772 SW Inverness Court, said a process needs to be established to manage the details to ensure that affected parties are personally involved.

Doug New, Neighborhood Creek Association, 11219 SW Lancaster, said his organization believes the Plan, with some revisions, is accurate.


Dick Cavanagh, 810 SW Palatine Rd., opposed the division of property at Palatine and Boones Ferry Road for development. He said he believes a dangerous traffic situation would result.

Commissioner Kafoury said the record will remain open one week. Staff will prepare a matrix of issues prior to the December 4 meeting.

**Disposition:** Continued as amended to December 4, 1991 at 2:00 p.m. Time Certain.

At 5:25 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

  
By Cay Kershner  
Clerk of the Council

**November 7, 1991**

**THURSDAY, 2:00 PM, November 7, 1991**

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