



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JANUARY, 1992 AT 9:30 A.M.

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

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

Agenda Nos. 87 and 91 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 84 Vacate a portion of SW 23rd Avenue between SW Multnomah Boulevard and SW Barbur Boulevard and a portion of SW Hume Court between SW 23rd Avenue and SW 24th Avenue, under certain conditions (Second Reading Agenda 53)

Disposition: Ordinance No. 164969. (Y-5)

- 85 Accept bid of All Concrete Specialties for Transit Transfers-Unit 3 for \$134,966 (Purchasing Report - Bid 43)

Disposition: Accepted. Prepare Contract.

- 86 Accept bid of Carson Oil Co. Inc., for annual supply of lubricating oils, greases and turbine oil for \$56,653 (Purchasing Report - 50-A)

Disposition: Accepted. Prepare Contract.

Mayor J. E. Bud Clark

- *88 Pay claim of Shane E. Barbee (Ordinance)

Disposition: Ordinance No. 164970. (Y-5)

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***89** Pay claim of Barbara L. King (Ordinance)

Disposition: Ordinance No. 164971. (Y-5)

***90** Amend contract with Lynda Lewis for personnel recruitment and selection services (Ordinance; amend Contract No. 27373)

Disposition: Ordinance No. 164972. (Y-5)

Commissioner Earl Blumenauer

92 Set hearing date, 9:30 a.m., Wednesday, February 19, 1992, to vacate a certain portion of SW Hall Street (Report; Petition; C-9763)

Disposition: Adopted.

93 Set hearing date, 9:30 a.m., Wednesday, February 19, 1992, to vacate a certain portion of an alley south of N Lombard Street (Report; Petition, C-9774)

Disposition: Adopted.

***94** Call for bids for the purchase of the Fine Bubble Membrane Disc Aeration Equipment for Aeration Basins 1 through 6 at the Columbia Boulevard Wastewater Treatment Plant, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164973. (Y-5)

***95** Accept two Sewer Easement for the NW Miller Road at NW Thompson Road and NW Cornell Road Sewer Project, granted by Nauru Phosphates Royalties (Ordinance)

Disposition: Ordinance No. 164974. (Y-5)

***96** Authorize contract with Eagles GPS Survey Corporation to provide GPS surveying services and manhole marking services for West Side Aerial Mapping Phase I, and provide for payment (Ordinance)

Disposition: Ordinance No. 164975. (Y-5)

***97** Authorize contract with Kampe Associates, Inc., to provide GPS surveying services and manhole marking services for West Side Aerial Mapping Phase I, and provide for payment (Ordinance)

Disposition: Ordinance No. 164976. (Y-5)

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- *98** Authorize a contract with the Friends of the Performing Arts for school assembly theater performances on the Recycling Improvement Program for the Bureau of Environmental Services at \$34,970 (Ordinance)

Disposition: Ordinance No. 164977. (Y-5)

- *99** Intergovernmental Agreement with the Oregon Department of Environmental Quality for funding of the Central Transportation Management Policy and Plan Study, not to exceed \$50,000 (Ordinance)

Disposition: Ordinance No. 164978. (Y-5)

- *100** Amend an agreement with Oregon Department of Transportation, Highway Division, to provide for a traffic signal on the NE Airport Way Project at NE 181st/Sandy Boulevard (Ordinance; amend Agreement No. 21594)

Disposition: Ordinance No. 164979. (Y-5)

- *101** Equitable payment agreement with K&S Madison, Inc., ranch where Portland sludge has been applied, for just and equitable claims amounting to \$27,175 (Ordinance)

Disposition: Ordinance No. 164980. (Y-5)

- *102** Revocable permit to Hamilton Events, Inc., to maintain banners on street light poles from February 16, 1992 to March 15, 1992 (Ordinance)

Disposition: Ordinance No. 164981. (Y-5)

Commissioner Dick Bogle

- 103** Appoint Richard Burnham to the Fire Study Committee (Report)

Disposition: Confirmed.

Commissioner Mike Lindberg

- *104** Terminate lease of spaces in the Multnomah Center to STOP IT! - Coalition Against Sexual Abuse as of December 1, 1991 (Ordinance; Agreement No. 27452)

Disposition: Ordinance No. 164982. (Y-5)

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REGULAR AGENDA

Mayor J. E. Bud Clark

87 Support City participation in the Forum on Cooperative Urban Services, (FOCUS) and the Regional Governance Committee (Resolution)

Discussion: Commissioner Kafoury said as the leader of efforts to implement the goals of Future Focus, she wants to make certain that the policy of the Forum supports regional government.

Marge Kafoury, Director of Intergovernmental Affairs, said she believes concerns that the Regional Governance Committee would turn out to be anti-Metro are unmerited. She said she believes the group has evolved into a very responsible organization, interested in crafting a charter that favors a strong regional government.

Commissioner Kafoury said she does not have enough information to determine if the proposed Charter will limit Metro's ability to take on new regional responsibilities in such areas as regional jails.

Ms. Kafoury said while the Metro Charter Committee has drafted a very detailed elaboration of powers, the Regional Governance Committee has drafted one granting broader powers, with criteria for determining whether the addition of new functions or services are merited.

Mayor Clark said this would be a good subject for a Council Informal.

Commissioner Kafoury said she was going to vote no because she does not want to cut her political ties to Metro and because she is such an advocate of regional government.

Commissioner Lindberg said his view has totally changed and he now believes the City will get more cooperation from local officials in the RJC than from all the disparate entities fighting Metro. He said a lot of the cities that were the most anti-Metro are now recognizing the need for regional solutions.

Commissioner Blumenauer asked how much Portland is paying compared to other jurisdictions.

Ms. Kafoury said the original assessment was ten cents per capita or \$42,000. The assessment has now been reduced to five cents. Other cities and counties have been assessed at ten cents, with special districts paying five cents per capita.

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Commissioner Blumenauer said he was concerned about paying twice as much as any other jurisdiction. He said he is prepared to pay the \$2,000 as a member but is not comfortable with being the largest financial supporter. He said he would not mind putting in another \$5,000 or 10,000 at this time but would like to revisit the matter of the City's ultimate contribution later.

Ms. Kafoury suggested putting a ceiling on the City's contribution.

Mayor Clark said he has already made his commitment, noting that the City's assessment has already been cut in half.

Commissioner Blumenauer questioned whether the best way to spend City money is by giving it to another group, of which we are the largest contributor, or to spend it directly.

Mayor Clark said this puts us into a cooperative arrangement with the other jurisdictions.

Commissioner Lindberg said he thinks this gives the City more power than going it alone.

Commissioner Blumenauer moved to amend the resolution to say "up to" \$21,866. Commissioner Kafoury seconded and the motion carried. (Y-5)

Commissioner Kafoury said she would vote yes and work to make the City's position on regionalism clearer.

Disposition: Resolution No. 34933 as amended. (Y-5)

***91** Authorize and agreement with Public Financial Management, Inc., for financial advisory services. (Ordinance)

Discussion: The Clerk announced that the Mayor's Office had requested that this item be referred back to it.

Disposition: Referred to Commissioner of Finance and Administration.

105 Adopt the 1991/1992 Overall Economic Development Strategy (Ordinance)

Discussion: Sam Brooks, Chair of Economic Development Advisory Committee, said the Committee has decided to focus on recommendations in two areas: 1) employment and 2) business growth

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and development. The Committee is also asking for the removal of the median strip on Martin Luther King Jr. Boulevard.

Disposition: Passed to second reading January 22, 1992 at 2:00 p.m.

- 82** **TIME CERTAIN: 9:30 AM** - Report on the Time and Manner and objection received against the NW 13th Avenue, NW Davis Street to NW Johnson Street LID improvement project (Report; C-9755)

Commissioner Blumenauer said staff wanted to make it clear that there were no objections to this project.

Vicki Dede, Bureau of Transportation Engineering, said this project will provide for paving the streets around the loading docks and installing street lighting. No street trees are planned. The project will allow NW 13th Street to continue to operate much as it did in the past and recognizes the importance of providing for truck loading as well as long and short term parking.

Al Solheim, a businessman in the area, congratulated City staff for its work and said those in the affected area believe a solution to longstanding problems is now at hand.

Disposition: Adopted. (Y-5)

- 83** Create a local improvement district to improve NW 13th Avenue from NW Davis Street to NW Johnson Street (Hearing; Ordinance; C-9755)

Disposition: Passed to Second Reading January 22, 1992 at 9:30 a.m.

Commissioner Earl Blumenauer

- 106** Continue Council discussion and deliberation on the recommendations of the financing principles and options for the Mid-County Sewer Project from the Mid-County Cost Alternatives Task Force (Report)

Discussion: Commissioner Blumenauer said he believes there is agreement from Council that it is time to make policy changes that reflect the different nature of this project. He said financing mechanisms are available to ensure that there are little or no dramatic cost shifts or subsidies. He said he would like Council to consider using the utility franchise fee to establish a rate stabilization program and also look at the revenue allowance mechanism that the Water Bureau uses. He said a combination of the two could provide a financing mechanism to deal with the issues that have been raised.

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Commissioner Blumenauer said attention will also be paid to longer term financial equity issues. He outlined plans to proceed and said he will introduce two resolutions in the next two weeks - one on policy and one on program specifics -- so that everything will be in place by February 15.

Dan Vizzini, Liens and Assessments Manager, said Council passed an ordinance extending the interest free period on the Boyles Sewer project to February 15. He said the Super 1 project has administratively been put on hold also.

Mary Nolan, Director of Environmental Services, said the major question to be resolved is whether some group other than Mid County property owners should subsidize a portion of their sewer costs. Current policy is that property owners do not subsidize sewers in other areas. If that policy is changed, additional questions arise, including which group should pay and whether assistance should be allocated to all Mid County property owners regardless of income or type of property. Finally, Council needs to decide if assessments should continue to be based on the cost of sewer construction, as determined by property size, or based on how the lot is used, such as a flat fee for family residences. She said once Council has answered those questions, then the Bureau can begin to implement the policy.

Karen Kramer, Manager, Mid-County Sewer Project, reviewed the background of this project, noting that the State had determined that the cesspools in the area posed a threat to the groundwater and ordered Portland and Gresham to install sewers within their urban service boundaries. She explained how the facilities are funded and the source of assistance funds. She said affordability issues still remain, stating that 60 per cent of affected property owners use the low interest financing program while three per cent use the sewer safety net.

Ms. Kramer described how sewer installation costs are determined and recommended moving to a capital improvement process.

Commissioner Lindberg asked about administrative costs and whether they could be reduced by eliminating the number of LIDS. He said now it looks like there would be no savings in the way projects are designed or bid.

Ms. Kramer said administrative costs are now about 18 per cent and they believe they could save two per cent of the total cost, or about 15 per cent in administrative costs.

Commissioner Blumenauer said if the projects are opened up to large bidders, larger savings might be achieved, although the City should not assume that will happen. He said we cannot borrow money based on

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administrative savings and lower bids. He said all they can bank on now is the two percent.

Ms. Kramer said operating as a capital improvements project will allow early payment and expanded financing for a private plumbing loan program will be sought for low-income individuals. She said such programs would effectively serve all those below the median income.

They will also ask the State legislature to increase the tax credit again. Ms. Kramer described and answered questions from Council members about the comparative costs of three possible scenarios and their effect on monthly costs.

Mr. Vizzini said the Mid-County project was built on existing policies and principles that are time-tested and provide the greatest equity to the greatest number of people. Any changes in current LID principles will complicate the process. He said property owners have had five years of notice that these costs would be incurred.

Mr. Vizzini said the issue before Council is one of affordability and financing. He said Council should concentrate its attention on specific ways to address this issue without going over the line and affecting changes in LID formation or cost apportionments. Mr. Vizzini said the Auditor's Office believes financing issues in Mid-County can be addressed without a complete overhaul of the LID system. He cautioned against changing the existing final assessments because of the dangerous and complicated precedent that would set. He suggested adoption of financial assistance plans for those who need them rather than changing the assessments themselves.

Steve Bauer, Director of Finance and Administration, said attention must be paid to credit markets if the City is to meet its borrowing requirements. The biggest issue, however, is whether Council will commit to rate increases for all City sewer users to pay for mandated programs.

Pat Clancy, Data Manager for Public Financial Management, Inc., said if the City is to retain the high bond ratings it now has, any shift from past City policies must be framed within clear policy guidelines. He noted that current LID practices are not only based on history but on nationally recognized practices. As shifts in the payment burden occur, law suits may result. He urged Council to be cautious about new commitments of revenues from the General Fund.

Commissioner Blumenauer asked Mr. Clancy if the concerns would be satisfied if Council were to delineate policy considerations for adjustment of this particular project and establish a rate stabilization fund.

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Mr. Clancy said he believes something like that is needed to preserve the ratings.

Mr. Bauer said the broader issue is what this policy change conveys about the integrity of the City. He asked Council to consider the potential impact of using the utility franchise fee for the sewers and the subsequent impact on other programs. He said use of these fees represents a break with past practices and reduces Council flexibility in the future. Mr. Bauer said he believes it is important to continue the policy that the polluter pays. The issue of affordability is the heart of matter. He suggested that while the increase in sewer costs has been estimated at 38 per cent, the increase in incomes in the same period has been 31 per cent.

Mr. Bauer encouraged Council to confine relief to residents inside the City or to individuals who indicate their desire to annex to the City so that tax dollars are not taken from residents to benefit those outside the City. He said a number of things can be done to provide relief to Mid-County sewer users, including a switch to the CIP approach, application of a means test and setting a buy-in period so that people can fix their costs.

Commissioner Blumenauer said the policy resolution that will be brought before Council will reflect many of the concerns expressed today. He said he believes costs can be lowered and the project speeded up without undue cost shifts to others.

Jeff Rogers, City Attorney, said any of the three scenarios outlined by Ms. Kramer can be done legally if they are done correctly. He said if there are distinctions between how citizens are treated, the reasons need to be articulated. He urged an approach where the facts support the conclusions so that the decisions meet legal tests.

Disposition: Accepted. (Y-5)

- *107** Establish an Intergovernmental Agreement between Metro and the City to arrange for the hauling and disposal of Sewage Grit and Screening (SGS) (Ordinance)

Disposition: Ordinance No. 164983. (Y-5)

Commissioner Mike Lindberg

- *108** Authorize an agreement with the City of Gresham to design, construct, maintain and manage the Gresham portion of the Springwater Corridor (Ordinance)

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Discussion: Commissioner Lindberg said this is an example of how various jurisdictions can work together.

Disposition: Ordinance No. 164984. (Y-5)

- *109** Authorize a contract with the City of Chicago on behalf of the Urban Consortium Energy Task Force for \$80,000 for implementing the Sustainable Business Development Program (Ordinance)

Discussion: Commissioner Lindberg said Portland will receive \$80,000 this year and \$80,000 next year to increase energy efficiency by working with 50 businesses. He said they hope this will become a nationally recognizable model.

Michael Porter, Acting Director of the Energy Office, said the Energy Commission recommends approval.

Ann Gardner, Portland Development Commission, said combining these resources into one center will make it very efficient for businesses to access.

Disposition: Ordinance No. 164985. (Y-5)

City Auditor Barbara Clark

- 110** Assess benefitted property for the costs of constructing the SE 67th Avenue Street Improvement Project and construction of sumps (Hearing; Ordinance; C-9741)

Disposition: Passed to second reading January 22, 1992 at 9:30 a.m.

- 111** Approve September and October, 1991, sidewalk maintenance bills for assessment (Hearing on Report)

Disposition: Approved. (Y-5)

At 12:05 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JANUARY, 1992 AT 2:00 P.M.

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

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

- 113** Tentatively deny appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and uphold, with additional conditions, Hearings Officer's approval of the application of Portland School District No. 1 for a conditional use with an adjustment to house the "Counteract Program" at the Terwilliger School site, in an R5 zone at 6318 SW Corbett Avenue (Findings; Previous Agenda 48)

Discussion: Cay Kershner, Clerk of the Council, said the findings were not ready and the Planning Bureau had requested a continuance.

Disposition: Continued to February 12, 1992 at 2:00 p.m.

- 112** **TIME CERTAIN: 2:00 PM** - Appeal of Charles W. Lawrence, applicant, against Hearings Officers' decision to deny application for a comprehensive plan map amendment and a zone change in order to construct a building for an auto repair business at 4411 SE Belmont (Hearing; 8010 PA)

Discussion: Tom McGuire, Planning Bureau, said this case was initiated by the Planning Commission, at the request of the applicant, based upon testimony that in 1980, during the Comprehensive Plan process, Mr. Lawrence asked Council to consider zone changes from M3 (manufacturing) to R1 (residential) for property he owned on SE Belmont. Because there seemed to be no record of Council action on the request, the Commission initiated this action in the interest of fairness.

Mr. McGuire said when he reviewed the letter Mr. Lawrence wrote in 1980, he found no mention of a zone change request for the property at 4411 SE Belmont, which at the time Mr. Lawrence rented but did not own. The Hearings Officers' denied the zone change, holding that there was no map error and that Council had made appropriate corrections on the properties it had been requested to review. He also found that the request for EG1 zoning is not consistent with Comprehensive Plan goals and policies and too intensive a use for this neighborhood and street.

Mr. McGuire said since 1981 Mr. Lawrence has used the property to store vehicles in connection with his antique car restoration business.

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Last year he was cited for illegal storage and the lot is now completely cleared. He said the appellant contends that the Hearings Officer erred in determining the City's 1980 mapping policy and in determining Council's intent with respect to the change in the Comprehensive Plan for the subject property.

Charles W. Lawrence, applicant, cited prior testimony to indicate that Planning staff made a mapping error in regard to this property, contending that it has been in commercial use since at least 1978. He said in 1980 Council members assured him that his property would not be rezoned to residential. He said the records have been lost and it was only in 1985 that he learned the property had been zoned residential. He said he has talked to three members who were on the Council in 1980 when the Comprehensive Plan was considered who have stated it was not their intent to change the zoning designation of property zoned commercial to residential.

Mr. Lawrence said he would be happy to consider a zone change to CS, rather than EG1. He said it is not feasible to build apartments at this site and he would like to continue to use the site for his business.

Katharine Anderson, Sunnyside Neighborhood Association Land Use Committee Chair, said the Land Use Committee opposes this change in zoning because it believes the request does not meet Comprehensive Plan goals, which discourage auto-oriented uses on streets like Belmont. She said the EG1 zone is too intensive for a setting surrounded by residential property. She said since the applicant originally requested EG1 zoning, not CS, he must submit a new application in order for CS to be considered. The Land Use Committee believes that Mr. Lawrence's assertion that Council made a mapping error in 1980 is incorrect as the property at 4411 SE Belmont was not included in his request at that time. She said the zoning on the other properties that were part of his request were changed.

Commissioner Kafoury asked if the neighborhood association talked about the CS designation.

Ms. Anderson said the Neighborhood Association was not able to take a vote on the exact designation because Mr. Lawrence equivocated between continuing to ask for EG1 or changing to CS or CN2. She said the Land Use Committee is opposed to any designation but R1. However, that does not preclude the matter being brought to the Board or Neighborhood Association in general.

Nancy Chapin, 4735 SE Flavel Drive, said Mr. Lawrence tried to initiate mediation with the Sunnyside neighborhood Association to see if some agreement could be reached but Sunnyside did not respond.

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Ms. Anderson said she did not think the Land Use Committee had the power to enter into mediation. She said it would have to be looked at by the Board.

Individuals speaking in support of Mr. Lawrence's request included:

Nina Lindstrom, operator of the Belmont School, 3841 SE Belmont
Roger Jones, 2936 SE Taylor
Chris Brandt, President, Belmont Business Association
Joe Weston, 2143 NE Broadway
Robert Konsella, CPA, 4430 SE Belmont

Supporters said Mr. Lawrence's proposed use of the property will be a positive asset to the community. They questioned Council's intent in downzoning this property from commercial to residential and cited other mapping errors in the Plan. Many called for mediation.

Individuals speaking against the zone change included:

W. J. Tennyson, 716 SE 45th
Martha Wheeler, 930 NE 31st

Opponents said EG1 zoning is inappropriate and contended that it should be left R1 to allow for the possibility of residential housing on this site.

Rebecca Flaming-Martin, member of Sunnyside Board, opposed the EG1 zoning designation but supported the change to CS. She said this property is not a good spot for residential.

Commissioner Blumenauer questioned Mr. Lawrence about his ownership of 4411 SE Belmont in 1980. He asked him how he could reconcile the assertion that it was discussed when he did not own it and there was no reference to it either in his letter or his testimony before Council.

Mr. Lawrence said he only had two minutes to discuss his case so limited his comments to discussing two other properties he had on Belmont. He said he had an escrow agreement on the property at the time.

Commissioner Kafoury moved to set this over and ask the parties to go to mediation. Commissioner Lindberg seconded and the motion carried. (Y-5)

Commissioner Bogle said when they return he would like the mediator to be present at the Council hearing.

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Ruth Spetter, Senior Deputy City Attorney, said a new zone designation cannot be substituted without new notification.

Commissioner Blumenauer said by continuing this Council can see if there is any potential for mediation and see if the proposed solution can be supported legally.

Disposition: Continued to February 12, 1992 at 2:00 p.m.

At 3:10 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF JANUARY, 1992 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; Linda Meng, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Cay Kershner, Clerk of the Council, said a substitute on Agenda Item 114 had been filed.

Commissioner Bogle moved the substitute. The motion was seconded and carried. (Y-5). The Clerk read the new title.

S-114 TIME CERTAIN: 2:00 PM - Adopt the Community Policing Problem-Solving Action Plan and Partnership Agreement to be signed today, Jan. 16, 1992, between the Portland Police Bureau, the Citizens to Retain North Precinct and the North Portland Citizens Committee and adopt as draft the Portland Police Bureau Facilities Master Plan, subject to further community discussion and future fiscal consideration and recommendation for use of the St. Johns City Hall (Previous Agenda 80)

Discussion: Wayne Inman, Deputy Police Chief, said this partnership agreement between the Police and St. Johns neighbors has resulted in a proposal for the use of the St. Johns City Hall. He reviewed the major goals, including location of a Police precinct facility for citizens of North/Northeast Portland and a survey of Peninsula community needs which will be used to guide development of a public services center in the existing St. Johns precinct building.

Signatories to the partnership stated their names and signed the document: Clarice White, Chair of Citizens to Retain North Precinct, Sharron Ray, President of North Portland Citizens Committee, Rachel Jacky, Director, Office of Neighborhood Associations, Charles Moose, Captain, North Precinct, and Deputy Chief Wayne Inman representing Chief Tom Potter.

Ms. White said the North Portland citizens feel that Council really listened to them and believe this document is the beginning of a great partnership with the Police.

Ms. Ray said she has a very positive feeling about this.

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Ms. Jacky said ONA is very enthusiastic about developing the multi-service providers. She said they would like to see a deadline included for reporting back to Council on the multi-service center model.

Council indicated they did not wish to set a specific deadline as all parties seemed committed to moving as quickly as possible.

State Representative Mike Burton said this is a model for community policing.

Louise Weidlich, Director of the Neighborhoods Protective Association, asked what it meant to shift Police forces from enforcing laws to solving problems.

Mayor Clark said one example was what Chief Potter did in trying to rid an area of North Portland of prostitution and drug dealing.

Disposition: Substitute Resolution No. 34934. (Y-5)

- 115 Transmit report of the Bureau of General Services on updated lease negotiations with Capital Development Corporation regarding use of the old Fred Meyer store on the corner of NE Martin Luther King, Jr. Boulevard and NE Killingsworth as a police precinct headquarters (Previous Agenda 81)

Discussion: David Kish, General Services Director, updated Council on negotiations with Capital Development Corporation. He said the lease with the Police Bureau was predicated on the developer finding good commercial tenants to move into the other half of the Fred Meyer building. If such tenants cannot be secured, other options will be explored, including selection of another site or purchase of the building.

Commissioner Kafoury said the numbers on the original proposal seemed way too high and she wanted to be sure that the City was not committed to this particular site.

Mr. Kish said this is just a report and no vote is being requested today. He said several other sites in the neighborhood were looked at but nothing has been found that is big enough to accommodate the precinct and the parking. He said they believe the lease price is reasonable although more expensive than it would be if the City owned the facility.

Disposition: Accepted. (Y-5)

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REGULAR AGENDA

Mayor Clark asked to hear Agenda Item 119 next as Commissioner Blumenauer had to leave soon.

- 119** Enact Code provisions regulating possession of assault weapons in public places. (Second Reading Agenda 79)

Discussion: Commissioner Blumenauer said he has yet to find any reason why anyone would want a loaded, assembled weapon on a Portland street.

Disposition: Ordinance No. 164986. (Y-5)

Commissioner Dick Bogle

- 116** Liquor license application for Michael E. Beaudin, dba Punjab Tavern, 6517 SE Foster Road, Retail Malt Beverage liquor license (new owner); favorable recommendation (Report)

Discussion: The Clerk said there had been a request to continue this.

Disposition: Continued to January 23, 1992 at 2:00 p.m.

- 117** Amend City Code Chapter 7.06 relating to the Business License Law (Ordinance; amend Chapter 7.06)

Disposition: Passed to Second Reading January 22, 1992 at 2:00 p.m.

Commissioner Gretchen Kafoury

- *118** 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 (Previous Agenda 1960)

Discussion: Commissioner Kafoury noted that this was continued to allow the issues raised at the first hearing in November to be addressed.

Bob Stacey, Planning Bureau, said staff has met with many groups and individuals about a variety of questions raised at the first hearing on the Plan. He said the central question for Council is whether the right balance has been struck between saving the natural environment and offering opportunities for employment and housing in an urban environment. He said they believe this balance has been achieved. He

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said only 25 percent of vacant, residentially zoned land in the SW Hills area has been put in the conservation zone, where building is allowed with mitigation. He said in the environmental preservation, or no build zone, the shifting of development onto buildable portions of the site is allowed. He said most of that 25 percent is unbuildable land on steep slopes or in the floodplain. Only three percent of vacant buildable land in SW Hills is in an environmental preservation zone.

Tim Brooks, Planning Bureau, said they have reviewed testimony from over 80 individuals and groups and are pleased to report that they have resolved many of the issues and now have the support of such groups as Lewis and Clark College, River View Cemetery and the Homebuilders Association.

He explained two proposed amendments: 1) the addition of a finding relating to the West Side Corridor project and Terwilliger Bridge project and 2) a finding to reflect changes for River View Cemetery. Staff recommends inclusion of the clarifying amendments into the adopting ordinance. Finally, he recommended delaying final action one week.

Commissioner Kafoury moved the amendments proposed by Mr. Brooks. Commissioner Bogle seconded and the motion carried. (Y-4)

Laurence Lindstrom, 6227 SW Kelly, said he is concerned about the preservation of the forest and said recently standards for building on slopes and for road widths have been compromised to encourage development.

Kay Durtschi, 2230 SW Caldew, asked for clarification about statements (page 28) regarding exceptions for "particularly appropriate proposals" in the Terwilliger Parkway Corridor Plan. She also asked how additional resources could be included in the protection plan in the future.

Kathleen Heineman, 3961 SW Seymour Court, said the Terwilliger Parkway Corridor Plan and the design guidelines are separate documents. The Corridor Plan, which has been in place since 1983, contains design policy guidelines that are required to be addressed but compliance is not mandatory. She urged adoption of the Southwest Hills Protection Plan.

Jay Ward, 8120 SW 56th Ave., also objected to the exception and said the only appropriate proposal for this area would be to leave it like it is. He said exceptions should not be allowed and compliance should be mandatory on the Parkway plan.

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Commissioner Lindberg said the Planning Commission changed the initial proposal to add 200 feet of environmental protection from the roadway.

Mr. Brooks said there is no proposed amendment to the Terwilliger Parkway Plan here but there is substantially greater protection for it because of the proposed environmental protection (EP) and environmental conservation (EC) zoning. He said the Planning Director can initiate a change to add new resources as they are identified.

Commissioner Lindberg said the Planning Bureau has concluded that much greater protection is being added with the 200 feet.

Mr. Brooks said the exceptions refer to the Terwilliger Parkway Plan and there is a 10-year update tentatively scheduled for 1993.

Commissioner Lindberg he would personally make sure there is a follow up so situations with developers that have arisen in the past two years will not be repeated.

John Bartels, 632 NE Russell Street, said the open space designation in Sunset Canyon is inadequate to protect its environment.

Gordan Ranta, Director of Design and Construction Services, Oregon Health Sciences University, supported adoption of the revised Plan.

Louis Fernandez, 2531 SW St. Helens Court, said Item 53, concerning the clubhouse next to Ainsworth School should be corrected to show that TL 18 is the clubhouse and TL 94 is the ravine. He asked that both lots be zoned EC.

Chuck Dimond, 3036 NE 20th, said because of City delay on this Plan at the request of the Metropolitan Home Builders, properties were clear cut adjacent to Arnold Creek, damaging the public interest. He urged immediate adoption of the Plan.

Mary Carleton, 3315 SW Marigold, requested that a water course that runs behind her house be added to the Southwest Portland Natural Resource inventory.

Gordon Kempton, 3418 SW Dolph Court, and Gene McLean, 3326 SW Marigold, said the property referred to by Ms. Carleton is part of a natural wetland in the area which should be protected.

Mr. Brooks said this is a new resource that has not been identified previously. He said staff is willing to go out and look at it if Council so directs.

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Richard Whitman, attorney at 101 SW Main, Suite 1100, spoke for three clients: River View Cemetery, Christina View Terrace and Olmstead Ridge. He said he wanted to make sure that the two PUD projects, Christina View and Olmstead Ridge, will not be subject to subsequent environmental zone review. He submitted amendments to clarify this. Regarding River View Cemetery, he said Council should be aware that the resource management plan they have agreed to submit will require some modifications to the environmental zone boundaries.

Commissioner Kafoury said staff will respond to these points next week.

Ann Gray, 5953 SW Terwilliger, said the process was unfair because individuals and organizations were allowed to lobby behind the scenes after the Plan was presented and change the recommendations. She noted, for instance, that the Planning Commission recommendation for Olmstead Ridge was for 200 feet of environmental zone protection, which was later reduced to 40 feet. She cited a similar issue with OSHU.

Regarding environmental zone protection, Ms. Gray asked for adoption of the Planning Commission recommendation, rather than Directive G in the ordinance.

Mr. Brooks said Directive G was in the ordinance when it was presented November 6 and there was no proposed change from the 200 feet.

Doug Weir, 342 SW Hamilton Court, said Olmstead Ridge should have EP zoning because the plan is still missing a landscape plan and traffic analysis, which are required before an application in a design zone can be considered complete.

Wesley Risher, Chair, Wilson Neighborhood Association, speaking to Issue 35, asked that a map be included to show the changes in the EP and EC designations recommended by staff. He also asked that the archeological significance of site 166 be recognized and urged the inclusion of a cultural resources review.

Commissioner Lindberg noted that 166 was the Turning Point site.

Mr. Brooks said a countywide inventory of cultural resources is referenced in the report.

Phil Clifford, 1022 SW Stephenson Court, asked for more protection of areas adjacent to Tryon Creek State Park.

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Michael Mauck, 10460 SW 55th and Frances Mauck, 10740 SW Lancaster, said the new zoning designation makes Mrs. Mauck's property unbuildable and unsalable and thus constitutes a taking, without proper compensation.

Cathy Witte, 10921 SW Lancaster Road, said she did not understand the recommendation made on page 67 concerning her rental property.

Mayor Clark said clarification should be sought with staff.

Pedro Gray, 2940 SW Arnold, said he is appalled at the damage being done by the Streamside Development in the Arnold Creek area. He said the Plan and map were incorrectly drawn in a way that leaves the Creek unprotected and would allow building on lots it flows through.

Mr. Brooks said that is addressed under Issue 65 and stated that the map will be corrected to reflect Mr. Gray's concerns.

Louise Weidlich, 7720 SW Capitol Hill Road, said the taking of property without compensation should not be legal.

Barry Pilip, 4444 SW Palatine, said he was concerned about compensation for property he owns which he believes adoption of the Plan will make undevelopable.

John Brosy, 22828 SW Corbett, clarified previous testimony regarding Olmstead Ridge that was in error. He said the application was accepted as complete in December, 1990.

Commissioner Kafoury said she wanted to make it very clear that every issue raised is taken seriously and that staff is available to anyone.

Commissioner Lindberg asked for a review of what is being done on Terwilliger.

Mr. Stacey said in 1945 Council adopted an ordinance requiring Council review of any development within 200 feet of the Terwilliger Parkway. However, there is some question as to whether it still remains in effect or whether it has been correctly observed. He said the Friends of Terwilliger has raised concerns that adoption of the new zoning Code last year may have weakened the level of environmental protection. He proposed an assessment of the Corridor Plan to see if its policies are actually being carried out through existing zoning and design guidelines.

Mr. Stacey noted that the Southwest Hills Plan adds a much stronger level of protection than the design guidelines through application of

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environmental protection zoning, which would preclude private development or tree removal in the Terwilliger area.

Regarding standards on development applications already in progress, Mr. Stacey said in the case of Olmstead Ridge, interim resource protection zoning will be applied. For Christina View Terrace, where submission of a new application is planned, environmental zoning would be applicable if the application was filed after the effective date of the new zoning.

Mr. Stacey concluded by noting that the Environmental Conservation zone does not preclude building and where the Environmental Preservation zone does prohibit it, Planning has attempted to insure that all potential development value is not wiped out on anyone's property.

Disposition: Continued as amended to January 23, 1991 at 2:00 p.m.

At 3:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council