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CITY OF  
**PORTLAND, OREGON**

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OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF APRIL, 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; Harry Auerbach, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark declared the month of April to be Portland Earthquake Preparedness Month.

Item Nos. 583, 608 and 624 were removed from Council and the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**581** Purchase police patrol sedans under State Price Agreement for \$175,176 (Purchasing Report)

**Disposition:** Accepted; prepare contract.

**582** Accept bid of Harder Mechanical Contractors, Inc., for sludge cake handling improvements at the Columbia Boulevard Wastewater Treatment Plant for \$3,160,486 (Purchasing Report - Bid 76)

**Disposition:** Accepted; prepare contract.

**584** Accept bid of Bruce Chevrolet Inc., for furnishing two cab and chassis mounted with utility service body and canopy for \$46,322 (Purchasing Report - Bid 93)

**Disposition:** Accepted; prepare contract.

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**585** Accept bid of Timberline Dodge Inc., for furnishing eight pickup trucks for \$96,563 (Purchasing Report - Bid 94)

**Disposition:** Accepted; prepare contract.

**586** Accept bid of H. Fontaine Ltd., for fabricated slide gates, weir gates and weir plates for Columbia Boulevard Wastewater Treatment Plant for \$263,000 (Purchasing Report - Bid 97)

**Disposition:** Accepted; prepare contract.

**587** Vacate a certain portion of an unnamed street lying south of SW Custer Street, under certain conditions (Second Reading Agenda 533)

**Disposition:** Ordinance No. 165252. (Y-5)

**Mayor J. E. Bud Clark**

**\*588** Agreement with Geotechnical Resources, Inc. to provide professional geotechnical engineering services for design of a Public Safety Facility (Ordinance)

**Disposition:** Ordinance No. 165253. (Y-5)

**\*589** Authorize a contract with McBride/Ralston, Architects, to design and write specifications for the replacement of the roof for the Central Stores Building and transfer funds from General Fund Operating Contingency (Ordinance)

**Disposition:** Ordinance No. 165254. (Y-5)

**\*590** Pay claim of Sylvia and Mike Wilson (Ordinance)

**Disposition:** Ordinance No. 165255. (Y-5)

**\*591** Pay funeral and medical bills for Nathan Thomas (Ordinance)

**Disposition:** Ordinance No. 165256. (Y-5)

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**\*592** Pay claim of Julia Erickson (Ordinance)

**Disposition:** Ordinance No. 165257. (Y-5)

**\*593** Pay claim of Stanley Kramien (Ordinance)

**Disposition:** Ordinance No. 165258. (Y-5)

**\*594** Memorandum of Understanding with the Portland Office of the FBI for the Safe Streets Portland Fugitive Task Force (Ordinance)

**Disposition:** Ordinance No. 165259. (Y-5)

**Commissioner Earl Blumenauer**

**595** Accept completion of the NE 13th Avenue, Phase VI Storm Sewer System Project and make final payment to Moore Excavation, Inc. (Report; Contract No. 27106)

**Disposition:** Accepted.

**596** Accept completion of the NE 7th Avenue Neighborhood Traffic Management Project, approve Change Order Nos. 1 and 2 and recommend that final payment be made (Report; Contract No. 27124)

**Disposition:** Accepted.

**597** Declare the purpose and intention of the City of Portland to improve SW 49th Avenue from SW Vermont Street to approximately 550 feet south of SW Vermont Street and construct sumps (Resolution; Street; C-9784)

**Disposition:** Resolution No. 34975. (Y-5)

**\*598** Consent to transfer of Luchs Garbage Service franchise to Alpine Disposal and Recycling (Ordinance)

**Disposition:** Ordinance No. 165260. (Y-5)

**\*599** Consent to transfer of Fink Sanitary Service franchise to Heiberg Garbage Service (Ordinance)

**Disposition:** Ordinance No. 165261. (Y-5)

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**\*600** Authorize the Purchasing Agent to sign a Purchase Order to serve as a contract with Turblex, Inc., for equipment at the estimated amount of \$376,500 without advertising for bids (Ordinance)

**Disposition:** Ordinance No. 165262. (Y-5)

**\*601** Release the City's interest in a sewer easement in Lots 11 and 12, Block 14, Arlington Heights (Ordinance)

**Disposition:** Ordinance No. 165263. (Y-5)

**\*602** Authorize an agreement in the amount of \$40,000 with Galford Group, Inc., for bicycle event coordination in the Bureau of Traffic Management (Ordinance)

**Disposition:** Ordinance No. 165264. (Y-5)

**\*603** Authorize Council to accept total payment of \$52,000 for six NPDES Permit co-applicant agencies for professional services previously paid for by the City to complete the Part 1 NPDES Storm Water Permit Application (Ordinance)

**Disposition:** Ordinance No. 165265. (Y-5)

**\*604** Contract with W & H Pacific to provide engineering services during construction of N Marine Drive Project, N Portland Road to Interstate 5 (Ordinance; waive Code Chapter 5.68)

**Disposition:** Ordinance No. 165266. (Y-5)

**\*605** Contract with W & H Pacific to provide engineering services during construction of the Burlington Northern Railroad Company bridge in connection with the Marine Drive Project (Ordinance; waive Code Chapter 5.68)

**Disposition:** Ordinance No. 165267. (Y-5)

**\*606** Agreement with the Burlington Northern Railroad Company for construction and maintenance of a bridge to accommodate widening of the N Marine Drive undercrossing (Ordinance)

**Disposition:** Ordinance No. 165268. (Y-5)

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**\*607** Letter of Understanding with the State of Western Australia, Department of Planning and Urban Development, providing for the exchange of transportation planners (Ordinance)

**Disposition:** Ordinance No. 165269. (Y-5)

**\*609** Call for bids for the Sullivan Pressure Line Replacement, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165270. (Y-5)

**\*610** Call for bids for furnishing all materials, equipment and labor for the construction of the SW Troy Street and SW 37th Avenue Storm Sewer System, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165271. (Y-5)

**\*611** Call for bids for the remodel of Harney, California and Yeon Pump Stations, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165272. (Y-5)

**612** Authorize Intergovernmental Agreement with the Metropolitan Service District (Metro) for \$450,975 in Metro matching grant funding to pay for one half the cost of 300,000 recycling bins (Second Reading Agenda 555)

**Disposition:** Ordinance No. 165273. (Y-5)

**Commissioner Gretchen Kafoury**

**\*613** Contract with Home Gardening Project, Inc., for \$13,475 to construct 35 raised bed gardens for low and moderate income residents and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165274. (Y-5)

**614** Accept a Willamette Greenway Recreational Trail Easement for the property located at 0690 SW Bancroft Street, at no cost to the City (Second Reading Agenda 559)

**Disposition:** Ordinance No. 165275. (Y-5)

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**615** Accept a Willamette Greenway Recreational Trail Easement for Port of Portland property located at N Going and N Center Way, at no cost to the City (Second Reading Agenda 560)

**Disposition:** Ordinance No. 165276. (Y-5)

**616** Accept a Willamette Greenway Recreational Trail Easement for the property located at 815 SE Marion, commonly known as the Salty's-Waverly Yacht Club site, at no cost to the City (Second Reading Agenda 561)

**Disposition:** Ordinance No. 165277. (Y-5)

**Commissioner Mike Lindberg**

**617** Accept contract with Pacific Coast Construction for Irving Park improvements as complete, authorize final payment and release retainage for a total of \$1,865 (Report; Contract No. 27378)

**Disposition:** Accepted.

**\*618** Contract with Metropolitan Services District (METRO) in the amount of \$5,750 for the Metropolitan Arts Commission to administer a public art program for the Metro Headquarters Project (Ordinance)

**Disposition:** Ordinance No. 165278. (Y-5)

**\*619** Call for bids for a prefabricated pump station at Heron Lakes Golf Course (Ordinance)

**Disposition:** Ordinance No. 165279. (Y-5)

**\*620** Call for bids for the construction of 16-inch and 12-inch water mains in NW Skyline Boulevard, Phase III, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165280. (Y-5)

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**621** Amend City Code Chapter 3.111, Energy Office, to clarify duties of the Energy Office relating to the 1990 adopted Energy Policy (Second Reading Agenda 576)

**Disposition:** Ordinance No. 165281. (Y-5)

**622** Amend City Code Chapter 3.112, Energy Commission, to establish the objectives of the Energy Commission, relating to the 1990 adopted Energy Policy (Second Reading Agenda 575)

**Disposition:** Ordinance No. 165282. (Y-5)

### **City Auditor Barbara Clark**

**623** Reappoint Jane MacNeill to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

**\*625** Cancel sidewalk assessments (Ordinance; amend Ordinance No. 165070)

**Disposition:** Ordinance No. 165283. (Y-5)

### **REGULAR AGENDA**

**583** Accept bid of Alliance Corporation for Lents Basin CSO Sump Phase IV for \$310,447 (Purchasing Report - Bid 85)

**Discussion:** Bill Harden, NAMCO, said they have no problem with the MBE participation but were concerned about whether the contractor will use African Americans on the project as well as other minorities. He said after meeting with one of the subcontractors on this matter, NAMCO supports the award of this contract.

**Disposition:** Accepted; prepare contract.

**\*608** Call for bids for the Sump Upgrade Phase 2, authorize a contract and provide for payment (Ordinance)

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**Discussion:** Cay Kershner, Clerk of the Council, said there had been a request to refer this back to Commissioner Blumenauer's office.

**Disposition:** Refer to Commissioner of Public Works.

**624** Approve November 1991 through January 1992 sidewalk maintenance bills for assessment. (Hearing on Report)

**Discussion:** Jeffery Liswig, 2935 NE 53rd, said he had recently received a bill for sidewalk repairs dating from 1986. He said he had complained at the time about the charges for sidewalk repair and thought the matter was a dead issue until now.

Mayor Clark asked if he had talked to staff.

He said he was not sure where he was supposed to go.

Commissioner Blumenauer said the Auditor's Office was going to be preparing the assessments and wondered if they could deal with this.

Cay Kershner, Clerk of the Council, said one remonstrance was filed with a recommendation that it be referred to Commissioner of Public Works and this might be reviewed at the same time.

Commissioner Blumenauer moved to refer Mr. Liswig's assessment and the other remonstrance and assess the balance. Commissioner Kafoury seconded and the motion carried. (Y-5)

**Disposition:** Approved. (Y-5) Remonstrances referred to Commissioner of Public Works and balance assessed. (Y-5)

**580** **TIME CERTAIN: 9:30 AM** - Recommend action to provide financial support for the Youth Empowerment and Employment Demonstration Project (Resolution)

**Discussion:** Commissioner Kafoury said this is an attempt to help especially troubled youth in Northeast Portland. She said the most exciting part is that they have been able to get all of the providers in a coalition working together, something that has not happened before. She said last week Multnomah County agreed to be the fiscal agent and they are now in the process of trying to get the intergovernmental agreements.



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Reverend Terry Moe, Redeemer Lutheran Church, said this project is significant because it affects gang-involved youth in a long range, holistic way by offering them employment. He said this is a model partnership among 17 community providers.

Bishop A. A. Wells, Pastor of Emmanuel Temple Church and President of Albina Ministerial Alliance, said jobs are a key element in breaking the cycle of poverty and negative social behavior among the youth who will be a part of this program.

Becky Black, Director of Oregon Outreach and a resident at 2152 NE Wasco, said the majority of young people this program will target are gang-involved youth and school dropouts who have been left out of the system. She said this is a prevention program that will take people at the edge of the juvenile justice system and prevent them from going into the adult system.

Elizabeth Waters, Resource Development Director of House of Umoja, said this will give youth a chance to do what they desperately wish to do. She said the process has been slow but there is no doubt that this is the right way to go.

Commissioner Kafoury said this request is for half the \$400,000 needed to fund the program. She said \$200,000 has been identified in next year's budget, \$100,000 of which will be moved up in order to phase in the program now. In December there will be a review and, if the program is found to be successful, the City will renegotiate its continuing commitment.

Commissioner Bogle said he is sure that this will result in a series of success stories from those who participate.

Commissioner Lindberg said he had never seen such a comprehensive approach to providing support structures and followup.

**Disposition:** Resolution No. 34976. (Y-5)

**626** Accept bid of Portland Freightliner Inc., for five 5-6 yard dump trucks for \$195,210 (Purchasing Report - Bid 79)

**Disposition:** Accepted; prepare contract.

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**627** Accept bid of Northwest Electric Company for secondary lighting project at Columbia Boulevard Wastewater Treatment Plant for \$60,998 (Purchasing Report - Bid 80)

**Disposition:** Accepted; prepare contract.

**628** Accept bid of Portland Freightliner Inc., for furnishing three 33,000 GVW flatbed dump trucks for \$121,251 (Purchasing Report - Bid 95)

**Disposition:** Accepted; prepare contract.

**Mayor J. E. Bud Clark**

**629** File annexation case in Lents with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-5-92)

**Disposition:** Resolution No. 34977. (Y-5)

**630** File annexation case with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-7-92)

**Disposition:** Resolution No. 34978. (Y-5)

**\*631** Accept a continuation grant of \$225,000 from the Bureau of Justice Assistance for the grant titles "Community Partnerships - A Community Policing Model for Drug Demand Reduction" (Ordinance)

**Disposition:** Ordinance No. 165284. (Y-5)

**Commissioner Earl Blumenauer**

**632** Request from North Portland Citizens to address Council regarding Asian Gypsy Moth spraying (Communication)

**Discussion:** Commissioner Blumenauer said the State will seek Council permission next week to fly a helicopter in the moth-affected area and he thought it was best to consider all the spraying issues at one time.

**Disposition:** Continued to April 8, 1992 at 9:30 a.m.

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- \*633** Authorize a contract with Woodward-Clyde Consultants to complete Phase II of the Water Quality Monitoring and Data Management Project for the Clean River Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 165285. (Y-5)

**Commissioner Dick Bogle**

- 634** Declare the City's affirmation of a promise to the residents of Hayden Island to maintain a fire station on the island (Resolution)

**Discussion:** Commissioner Bogle said keeping Station 17 on Hayden Island, as was promised to residents when the area was annexed to the City, is a commitment the City must meet.

**Disposition:** Resolution No. 34979. (Y-5)

**Commissioner Gretchen Kafoury**

- 635** Advise Metro Charter Committee of City Council's views on the contents of the Metro Charter (Resolution)

**Discussion:** Commissioner Kafoury said this responds to what Council agreed to do at the Informal briefing on the Metro Charter. She said financing continues to be the biggest unresolved issue, particularly regarding the potential conflict between the authority given to Metro and local government responsibilities. She said she hopes this will allow the City to continue its commitment to regionalization of services while at the same time making it clear that it must be done in partnership with local governments.

Commissioner Lindberg said the focus on regional growth management is significant as is the fact that Portland is willing to give up turf and transfer some of its responsibilities. He said he was glad the City resisted saying that local governments should have veto power about what responsibilities should be regional.

Commissioner Blumenauer said he would vote aye but he really hopes there is a way for the City to forcefully express its support for one regional government, not three counties and Metro. An important concept that has been added is to not allow the Metro Charter to

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flounder on a single controversial item, such as whether the executive is appointed or elected.

**Disposition:** Resolution No. 34980. (Y-5)

**Commissioner Mike Lindberg**

**\*636** Authorize an agreement with the State of Oregon Bureau of Labor and Industries for enforcement of the Portland Civil Rights Ordinance (Ordinance)

**Discussion:** Commissioner Lindberg moved to amend the ordinance by replacing the words "Fair Housing Council" with the words "Bureau of Labor and Industries" in item b of the findings. Commissioner Kafoury seconded and the motion carried. (Y-5)

Commissioner Blumenauer said he was glad to see that the City was starting enforcement of this ordinance.

Madeline Wessel, Deputy City Attorney, said the agreement calls for the City Attorney's office to provide the bulk of the legal work for the Bureau of Labor and Industries, which will save the City a great deal of money.

**Disposition:** Ordinance No. 165286 as amended. (Y-5)

**\*637** Authorize an agreement with the Fair Housing Council of Oregon for enforcement of the Portland Civil Rights Ordinance (Ordinance)

**Discussion:** Commissioner Bogle said he remembers in the 1960's when this role was filled by volunteers. He said now the City will be paying for something that used to be done for free but the bottom line is that this kind of documentation is needed, whether paid for or not.

**Disposition:** Ordinance No. 165287. (Y-5)

**\*638** Contract with Rock N Rose Concerts, a partnership, for summer concerts (Ordinance)

**Disposition:** Ordinance No. 165288. (Y-5)

At 10:25 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF APRIL, 1992 AT 2:00 P.M.

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

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

In the absence of the Mayor, Commissioner Blumenauer called the meeting to order.

- 640** Tentatively overrule Hearings Officer's denial of appeal of Charles W. Lawrence, applicant, for a comprehensive plan map amendment and a zone change in order to construct a building for an auto repair business at 441 SE Belmont (Findings; 8010PA)

**Discussion:** Cay Kershner, Clerk of the Council, said after Council set April 1 as the date to consider findings, the City Attorney informed the Auditor's Office that renotification to all parties was required because the compromise agreement involved a new zone change. In order to meet the 21-day notification requirement, the date was changed to April 15.

**Disposition:** Continued to April 15, 1992 at 2:00 p.m.

- 639** Appeal of Lillian Hastings against Hearings Officer's decision to deny application to establish nonconforming rights in order to use the building at 210 NE 28th Avenue for flexible commercial and light industrial uses (Hearing; 91-00797 NU NE)

**Discussion:** Mike Hayakawa, Planning staff, said this is an appeal of a request to establish and change a nonconforming use which was denied by the Hearings Officer. He said the original request included two structures, which have in the past functioned as one property, but this appeal applies only to the Hastings property and does not include the Parker property at 2821 NE Davis. The Hearings Officer denied both requests to change the most recent nonconforming use to EG (Employment) zone. The basis for his decision was that the nonconforming criteria were not met and the Kerns Neighborhood Plan

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not complied with because no specific proposal was submitted with the application. The Hastings are asking that Council follow the Planning staff recommendation for their property and allow the retail and office uses permitted under the Storefront Commercial (CS) zone. Staff found there had been a history of legal nonconforming use on the site and that offsite impact criteria had been met.

Mayor Clark arrived and assumed the chair from Commissioner Blumenauer.

Paul Norr, attorney representing Lillian Hastings, emphasized that only one of the two properties originally included in the application is to be considered today. He noted that both the Kerns Neighborhood Association and the Planning Bureau had requested CS zoning for this property and asserted that most of the neighborhood opposition was based on prior use of the Parker property. He asked Council to recognize the reality of the history of this property and find that the continued use will have no greater impact than it has had in the past. He presented a petition of support signed by 23 of the closest neighbors. He said the problem the Hearings Officer had arose from his need to consider two separate properties with two separate use histories. However, Mr. Norr said, with one property it is not necessary to have a specific tenant, but only to find the use category that best fits it so that a property stays within the same category even though the tenant changes. Regarding traffic generation, Mr. Norr said the difference in daily trip generation from this property would be minimal.

Commissioner Kafoury said they believed initially that all the neighbors had signed off on this proposal but that it appears that some opponents are here today to testify.

Roger Bacon, 2833 NE Davis, said Mark Hess of the Kerns Neighborhood Association told him that the Association wanted to see some specific proposals and did not believe anything should be tailored for individual usage until the use was known. He noted the Hearings Officer's repeated statements that nothing can be determined for the property because nothing specific is being proposed. He asked Council to note the petition signed by opponents.

Commissioner Kafoury noted petitions from both opponents and supporters.

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Mr. Bacon described the negative impacts resulting from prior operation of a laundry and an automobile detail shop on the property. He asserted that the property has had a history of being incompatible with the neighborhood.

Commissioner Lindberg asked if the laundry was on the property being considered today.

Mr. Bacon said yes.

Melvin Burger, 2840 NE Everett, said the lack of parking is of concern.

Mayor Clark asked why the owner could not make a specific proposal.

In rebuttal, Mr. Norr stated that in his conversations with Mark Hess of the Kerns Neighborhood Association, Mr. Hess confirmed that the Association had voted to support the Storefront Commercial use. He said there has never been any illegal use of the property even though there may have been some problems with previous tenants. He said the whole purpose of having non-conforming uses is so the property owner does not have to return with a specific proposal and get City approval every time there is a change in tenants as long as he/she stays in the same use category. He emphasized that the Hastings are not asking for a change to a different use category.

Mayor Clark asked why this was before Council?

Mr. Norr said if the Hastings had applied originally for nonconforming use on just their property it probably would have had an administrative review and approved. But because the two properties were packaged together and involved a change of use, the request went to the Hearings Officer, who denied it. He said it should have been handled differently in the beginning. He said once non-conforming use is established, property could exchange hands and still retain the same use.

Commissioner Lindberg asked what protection neighbors had against the property being used in some awful way.

Mr. Hayakawa said Storefront Commercial limits the kind of uses and the nonconforming use chapter of the Code specifically obligates the user to meet offsite impacts relating to noise, odors, etc.

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Mayor Clark asked if Council could require the property owner to notify the Neighborhood Association of the proposed use prior to renting it.

Commissioner Kafoury suggested adding a statement calling for notification but said that should not be part of the approval.

Commissioner Kafoury moved to overturn the Hearings Officer's decision and return with findings stating that CS is the appropriate zone. She encouraged the owners to continue meeting with the Neighborhood Association. Commissioner Lindberg seconded.

Kathryn Imperati, Senior Deputy City Attorney, noted that this would be a tentative decision, with findings prepared by the appellant's attorney.

Commissioner Lindberg requested that a note be added to the record asking the owners to notify the neighborhood of the proposed use.

Commissioner Kafoury said it is clear that this is an allowed use and no special privilege is being extended.

**Disposition:** Tentatively grant appeal. (Y-4) Prepare findings for April 15, 1992 at 2:00 p.m.

At 2:45 p.m., Council adjourned

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council



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**THURSDAY, 2:00 PM, April 2, 1992**

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