



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF MAY, 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 proclaimed the week of May 22-30, 1992 as America-Japan Week in Portland.

Mayor Clark introduced Vladimir Sorokin, a member of the Moscow City Council.

Commissioner Lindberg presented the winners of Schools for the City's excellence in music awards.

908 TIME CERTAIN: 9:30 AM - Presentation by Youth Today (Report introduced by Mayor Clark)

Discussion: The Mayor, Commissioners and the Council Clerk introduced their youth counterparts for the day.

Katie Hites, 9820 SW 18th Place, discussed Project Transcend, a Youth Today program to help students combat discrimination, violence and racism.

Lizzie Winkler, 2893 SW Upper Drive, and Jessie Dayton, 4534 NE 32nd Place, presented the recommendations developed at a Youth Summit held May 16 in the areas of arts and entertainment, business and transportation.

Felicia Weatherwright, 2534 NE 38th, and Daniel Morris, 2344 NE 27th, presented recommendations for action in the areas of government, human services and voluntarism.

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Emily Levinson, 7200 SE 34th, described her participation in the Project Transcend workshop.

Disposition: Placed on File.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

909 Cash investment balances for April 9 through May 6, 1992 (Report; Treasurer)

Disposition: Placed on file.

910 Accept bid of Batzer Construction, Inc., for SW Barnes Road retaining wall replacement and NW 2nd bridge replacement for \$121,053 (Purchasing Report - Bid 127)

Disposition: Accepted; prepare contract.

911 Accept bid of Sequence Systems, Inc., dba Alltec Security Systems for furnishing video monitoring equipment for \$64,028 (Purchasing Report - Bid 149)

Disposition: Accepted; prepare contract.

912 Accept bid of Sprint for long distance telephone service for \$66,635 (Purchasing Report - Bid 162)

Disposition: Accepted; prepare contract.

913 Accept bid of Werbin West Contracting, Inc., for NW Skyline 16" and 12" water lines for \$252,814 (Purchasing Report - Bid C-9761)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

914 Confirm appointments of Patience F. Talcott and Michael R. Sandoval and the reappointment of Ed Cooper, to the Private Industry Council (Report)

Disposition: Confirmed.

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915 Authorize application for amendment to the boundaries of the North/Northeast Portland Enterprise Zone (Resolution)

Disposition: Resolution No. 34997. (Y-5)

***916** Authorize issuance of Limited Tax Bond Anticipation Notes (Ordinance)

Disposition: Ordinance No. 165444. (Y-5)

917 Amend City Code Chapter 8.65, Smoking, to reflect agreement with the Portland Police Association (Ordinance; amend Chapter 8.65)

Disposition: Passed to Second Reading May 27, 1992 at 9:30 a.m.

***918** Contract with Elevator Consulting Services, Inc., for \$50,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 165445. (Y-5)

***919** Contract with CH2M Hill Engineers for \$18,000 to complete Eastmoreland Master Plan permitting (Ordinance)

Disposition: Ordinance No. 165446. (Y-5)

***920** Agreements with Group 3 Consultants, Inc., not to exceed \$6,000 to develop and market an application program (Ordinance)

Disposition: Ordinance No. 165447. (Y-5)

***921** Contract with Portland State University for "Neighborhood Information Profiles Geographic Database" for \$24,000 (Ordinance)

Disposition: Ordinance No. 165448. (Y-5)

Commissioner Earl Blumenauer

922 Accept completion of the NE 21st and NE Argyle Sewer Reconstruction Project, approve Change Order No. 1 and make final payment (Report; Contract No. 27096)

Disposition: Accepted.

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923 Accept completion of the SW 49th Avenue and SW Vesta Street Storm Sewer and make final payment (Report; Contract No. 27478)

Disposition: Accepted.

***924** Contract with Roy F. Weston, Inc., for development of an infrastructure management system master plan (Ordinance)

Disposition: Ordinance No. 165449. (Y-5)

***925** Authorize contract to lease the K & S Madison Ranch for land applying lagoon sludge and provide for payment (Ordinance)

Disposition: Ordinance No. 165450. (Y-5)

***926** Revocable permit to Hamilton Events, Inc., to maintain banners on street light poles from June 21 to July 19, 1992 (Ordinance)

Disposition: Ordinance No. 165451. (Y-5)

***927** Call for bids to purchase equipment for 20 new Sewer Level Remote Telemetry Stations, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165452. (Y-5)

Commissioner Dick Bogle

***928** Letter of Agreement with the State of Oregon Department of Environmental Quality for participation in the Voluntary Cleanup Program concerning the former Linnton Oil Fire Training Grounds (Ordinance)

Disposition: Ordinance No. 165453. (Y-5)

Commissioner Gretchen Kafoury

***929** Contract with Metropolitan Family Services for \$26,127 for Project Linkage, Summer Yardwork Project, and provide for payment (Ordinance)

Disposition: Ordinance No. 165454. (Y-5)

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***930** Amend agreement with Northeast Coalition of Neighborhoods, increasing the amount of the contract by \$2,800, and provide for payment (Ordinance; amend Agreement No. 27203)

Disposition: Ordinance No. 165455. (Y-5)

931 Authorize execution and acceptance of a conservation covenant affecting property within the Lakota planned unit development and subdivision (Second Reading Agenda 905)

Disposition: Ordinance No. 165456. (Y-5)

Commissioner Mike Lindberg

***932** Contract with Portland Development Commission for Bureau of Parks and Recreation to provide design services for Columbia South Shore Slough Trail (Ordinance)

Disposition: Ordinance No. 165457. (Y-5)

***933** Amend contract with Multnomah County's Alternative Community Service Program to provide a COLA increase of a maximum of \$6,000 for an ACS crew leader (Ordinance; amend Contract No. 26253)

Disposition: Ordinance No. 165458. (Y-5)

***934** Authorize Purchasing Agent to negotiate a five year contract with Pac-West Distributing for the purchase of turf maintenance mowing equipment and attachments (Ordinance)

Disposition: Ordinance No. 165459. (Y-5)

***935** Grant revocable permit to Metropolitan Service District to erect a sign in Washington Park (Ordinance)

Disposition: Ordinance No. 165460. (Y-5)

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City Auditor Barbara Clark

- *936** Amend contract with Coopers and Lybrand, CPA's, to increase the compensation by \$18,600 for financial audit services for FY 1990-91 (Ordinance)

Disposition: Ordinance No. 165461. (Y-5)

REGULAR AGENDA

- 937** Reject all bids for furnishing two 25,500 GVW cab and chassis (Purchasing Report - Bid 136)

Disposition: Accepted. (Y-5)

Mayor J. E. Bud Clark

- 938** Submit the Portland Development Commission's approved 1992-93 budget (Report)

Discussion: Cay Kershner, Clerk of the Council, said PDC requested that this be referred back to it.

Mayor Clark said PDC wanted to reanalyze its budget in the wake of the Oregon Tax Court decision yesterday which has heavy implications for the City.

Disposition: Referred to Commissioner of Finance and Administration.

- *939** Authorize an agreement with Regional Financial Advisors for financial advisor services on the Oregon Arena Project (Ordinance)

Disposition: Ordinance No. 165462. (Y-5)

- 940** Abolish Metropolitan Human Relations Commission and authorize agreement with Multnomah County for creation of Metropolitan Human Rights Commission (Second Reading Agenda 806)

Discussion: Pat Byer, 10133 SE Knight, representing the Southeast Uplift Antiracism Project and Crime Prevention Policy Committee, said they have

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been overwhelmed by requests for information and service, many of which would more appropriately be handled by the Metropolitan Human Relations Commission. She said the need for a healthy, visible human rights commission working at its full capacity is very great, and recommended that it pursue a higher profile in the community so that more citizens know there is a resource available to them. She urged passage of the ordinance.

Commissioner Bogle quoted from a letter by Russell Peyton, former MHRC Chair, who opposes the proposed change in the Commission's name based on the fact that the function of the Commission is not to enforce rights but to find non-violent solutions and build bridges between citizens. Commissioner Bogle said he agreed with Mr. Peyton and asked for retention of the name Human Relations Commission instead of Human Rights Commission.

Commissioner Kafoury said the Task Force debated this issue at length and Mr. Peyton was the only member who opposed the name change.

Mayor Clark said there is a subtle difference between rights and relations and the name change reflects the need for stronger action. He said he is anxious to get the Commission going again and would prefer to challenge the Commission itself to study the name change further.

Commissioner Kafoury said the issues involved in restructuring the Commission have troubled her the most of any that have come before Council since her tenure. She noted that while there is still some very serious hostility and anger about the changes, she is hopeful that some of the bitterness will diminish over time.

Mayor Clark said he believes this is a great step forward and will make MHRC even stronger than it has been in the past.

Disposition: Ordinance No. 165463. (Y-5)

Commissioner Earl Blumenauer

***941** Authorize a purchase order and execute a sole source contract for sewer repair services with Gelco Insituform, Inc., and provide for payment (Ordinance)

Disposition: Ordinance No. 165464. (Y-5)

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***942** Contract with CH2M Hill to write an operation and maintenance manual for the Bureau of Transportation Engineering and provide for payment (Ordinance)

Disposition: Ordinance No. 165465. (Y-5)

***943** Contract with Keystone/NEA to provide professional engineering and laboratory services and provide for payment (Ordinance)

Disposition: Ordinance No. 165466. (Y-5)

Commissioner Dick Bogle

***944** Accept a \$46,000 grant from the Federal Emergency Management Agency (Ordinance)

Disposition: Ordinance No. 165467. (Y-5)

Commissioner Gretchen Kafoury

S-945 Amend Code to increase building permit fees (Ordinance; amend Chapter 24.10)

Discussion: Cay Kershner, Clerk of the Council, noted that a substitute had been filed lowering the rate of increase from six per cent to four per cent. Commissioner Bogle moved the substitute; Commissioner Kafoury seconded and the motion carried. (Y-5)

Denise Kleim, Administrative Services Director, Bureau of Buildings, discussed this and the following two ordinances as a package. She said in 1988 the Bureau became an operating fund, solely supported by fees and charges on permits and inspections. She said the last increases occurred in 1988 when a reserve account was established to help fund the Bureau when revenues dip. This year they are beginning to draw on the reserve as revenues are not sufficient to pay for programs. By the end of the year they will have drawn out about \$750,000. Next year, which they also expect to be flat in revenues, they hope to supplement draws on the reserve by increasing certain fees. She said they have tried to maintain staffing at a constant level but this year are finding that although revenues are down, the work load has increased because there are more permits but for projects of much less value.

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Ms. Kleim said this time they are proposing increases of four percent for building and mechanical fees, a 15 percent increase for plumbing permits, plus increases in zoning and grading permit fees.

Mayor Clark asked if there was an ongoing group that met to look at ways of lowering costs and tried to balance customer needs with the financial needs of the City.

Ms. Kleim said industry representatives serve on their Bureau Advisory Committee and they have also been meeting with several industry groups to deal with performance and work load issues. They are also talking about reinstating meetings with the Homebuilders Association.

Carla Forsythe, Homebuilders Association, said her members cannot support these increases. She said they just learned that a planned Bureau move was one of the reasons for the increase but this could not be determined from any of the documents they were given. She said dramatic increases, 20 percent for zoning and 100 percent for grading permits, have been included. Ms. Forsythe said the Homebuilders Association would like to set up regularly scheduled meetings with the Bureau and supports adoption of the Marion County system which the City is currently studying.

Barbara Adler, Portland Housing Coalition, opposed the increases in building, plumbing, grading and mechanical permit fee increases. She said Bureau revenues in the last quarter are much higher than had been projected and the Coalition believes revenues will remain constant. For that reason, it believes the proposed increases are premature and unnecessary at this time. She said they believe the 5.4 million reserve fund should be used and spent down prior to fee increases as that is its purpose. Ms. Adler also called for an efficiency and performance audit of the Bureau prior to any increases.

Emily Cederleaf, Multi-family Housing Council, said this proposal kept changing thus making it very difficult to evaluate. Since the first proposal was thrown out because of stronger than projected first quarter revenues, she questioned the correctness of the current proposal.

Robin White, Executive Vice President, Portland Association of Building Owners & Managers (BOMA) supported the fee increase on a one-time-only basis. She said it is more important for the level of service to remain constant, with no delays in the issuance of permits. She agreed with the need for the Bureau to examine its efficiency and level of service. Ms. White said BOMA adamantly opposes the automatic five per cent annual increases. She said the

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Bureau needs a tracking system so that the money that comes in one year will track the course of the work for the next year.

Linda Lindsten, Oregon Association of Plumbing, Heating and Cooling Contractors, opposed the 15 percent increase in plumbing permits and asked for permission to submit written testimony. She said the \$4.00 water heater permit fee increase is unjustified and suggested using a random permit check process instead. She also called for a performance review of inspections to track how long they take.

Commissioner Lindberg asked about the amount of money in the reserve fund and whether it earned interest.

Ms. Kleim said they have a reserve fund of 5.2 million dollars which earns interest which goes to the Bureau. They expect to spend \$750,000 of the reserve this fiscal year and 1.2 million next year, even with the fee increases, and project continued spending at that level in ensuing years.

Commissioner Kafoury said the policy is to build a reserve to avoid having major increases and to have a bureau that is self-sustaining through the fees.

Mayor Clark said he does not want to make a policy change but does want to make sure our fees are fair.

Commissioner Kafoury said they are open to a performance review.

Mayor Clark asked about the use of one inspector rather than two or three.

Ms. Kleim said staff are being trained so that one person can do building, mechanical, plumbing and electrical inspections. She said water heaters are a major problem because so many people do not get permits for them and the Bureau is considering an inspection program similar to the one for electrical permits, where only one in ten permits is inspected.

Commissioner Lindberg asked about the reserve fund.

Ms. Kleim said last year revenues were 2 million more than the prior year due to the number of large projects at that time. However, they do not foresee more projects of that size in the next several years. She said their predictions are based on 25 years of data on their revenues and promised that, if revenues go up, fees will not be increased. She said they intend to review fees each year when they see the actual numbers.

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Commissioner Lindberg asked about holding regular meetings with industry groups.

Ms. Kleim said they are very open to doing that.

Disposition: Substitute Passed to Second Reading May 27, 1992 at 9:30 a.m.

946 Amend Code to increase plumbing permit fees (Ordinance; amend Section 25.05.060)

Disposition: Passed to Second Reading May 27, 1992 at 9:30 a.m.

S-947 Amend Code to increase heating and ventilation permit fees (Ordinance; amend Subsection 27.03.040 (a))

Discussion: Commissioner Kafoury moved the substitute lowering the amount of the fee increase. Commissioner Lindberg seconded and the motion carried. (Y-5)

Disposition: Substitute Passed to Second Reading May 27, 1992 at 9:30 a.m.

At 10:55 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF MAY, 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; Ruth Spetter, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

948 TIME CERTAIN: 2:00 PM - Transmit the Metropolitan Greenspaces Draft Masterplan (Report)

Discussion: Andy Cotugno, Metro Planning Director, substituting for Richard Devlin, Chair of the Metropolitan Greenspaces Advisory Committee, said half the greenspace in the proposed plan is Forest Park, with the remaining half sprinkled around the rest of the metropolitan area. He said the major aim of the Plan is to protect 60,000 acres of greenspace from the threat raised by projected growth in the area but they also want to ensure that areas which have devoured their greenspace, particularly those in North and Northeast Portland and East Multnomah County, have access to such space.

Mr. Cotugno said the Masterplan covers a number of components, including large site acquisition and protection, restoration of existing sites, and a trails network connecting major sites. He said they would like Council input into whether this is the right vision. He said in the next few months they will address preparation of a bond measure authorizing land acquisition for the November ballot.

Mike Houck, Audubon Society, noted the debt this vision owes to the Olmstead Plan originally developed for the City. He said the Masterplan fits in very nicely with Future Focus goals intended to foster a liveable city and also complements such projects as the improvement of water quality in Johnson Creek.

Marty McCall, Trust for Public Land, said the greatest strength of the plan is its collaborative nature as well as its regionality. The Plan also truly preserves liveability within the urban growth boundary, making a high density environment enduring.

Jack Broome, Wetlands Conservancy, said this is a four county effort involving hundreds of people and 40 government entities and private organizations.

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Charlotte Lehan, Wilsonville City Councilor, said a regional approach helps smaller cities by providing the expertise to manage a system and allows protection of areas which extend beyond the boundaries of small cities.

Barbara Walker, environmentalist, said greenspaces are the single most important factor in protecting the quality of life. She urged protection of connected corridors for wildlife and people.

Commissioner Lindberg, a member of the Policy Advisory Committee, invited comments from Council members.

Mayor Clark asked how the project got started.

Mr. Houck said the subject was raised at a meeting of the Regional Park Inventory and Metro then accepted the idea that some entity needed to take a look at natural resources from a regional perspective. He said the interest has been truly phenomenal.

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

Disposition: Accepted. (Y-5)

At 2:50 p.m., Council recessed.

May 21, 1992

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 21ST DAY OF MAY, 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; Ruth Spetter, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

REGULAR AGENDA

Commissioner Dick Bogle

- 949** Liquor license application for Siamak T. Lotfi, dba Lotfi's Market, 1507 N Portland Boulevard, package store liquor license (new outlet); Favorable with conditions recommendation (Report)

Discussion: Henry Emrich, License Bureau, said neighbors raised some concerns initially about the negative impact such a store would have on the neighborhood. However, the operator lives in the neighborhood and has agreed to add conditions which ban the sale of fortified wine at all times and the sale of any alcohol after 9 p.m.

Disposition: Favorably recommended. (Y-5)

- 950** Liquor license application for Etta J. Leonard, dba E J's, 2140 NE Sandy Boulevard, Retail Malt Beverage liquor license (new outlet); favorable with conditions and letter of warning recommendation (Report)

Discussion: Henry Emrich, License Bureau, said this operation currently operates as a bar without liquor but with dancers without clothing. He said most neighborhood concerns center around late night disturbances although there is no police record showing the problems as persistent. However, because the bureau recognizes the discomfort late-night operations can cause, it is recommending that the license be restricted to prohibit alcohol sales after 1:30 a.m. and that weekend hours be reduced from the current 4:00 a.m. closing to 2:30 a.m. He said the licensee has agreed to the first condition but would still prefer to remain open until 4:00 a.m.

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Commissioner Lindberg noted that one letter of complaint mentioned seeing employees out on the sidewalk trying to bring in customers and asked if a condition prohibiting such conduct could be added.

Mr. Emrich said Council could add another condition specifying a ban if it wished. He said he believed that officers had talked to the applicant several months ago about this and no complaints have been heard since then.

Jean Evans, Albertina Kerr Centers, said there is a great deal of activity during the day involving scantily clad women and drug activity. She said their objections concern only what is happening during the day hours. She said they believe the addition of alcohol sales will only make matters worse.

Etta J. Leonard, applicant/owner said E J's does not open until 2 p.m. weekdays and 8:00 p.m. on Saturdays, and are closed all day Sundays. She said she will not tolerate either prostitution or drug use. She said right now they close at 2:00 a.m. Monday-Thursday and would like to stay open until 2:30 a.m. She also asked that they be allowed to remain open until 4 a.m. on weekends even though they have agreed to stop serving alcohol at 1:30 a.m.

Commissioner Kafoury asked why the establishment did not have a liquor license now.

Ms. Leonard said she wanted to try to operate a topless club without a wine and beer license but has found it to be economically unfeasible. She said if there is a problem with late-night noise because of the 4:00 a.m. closing hour, they will be happy to close at 2:30 a.m.

Blanche Trow, volunteer director of the Albertina Kerr restaurant across the street from E J's, said they constantly find drug needles and garbage in their shrubbery and parking lot. She said people attending receptions at the Kerr Center have reported seeing E J's employees apparently trying to attract customers. She said they want to make it an area where families and seniors feel comfortable.

Commissioner Lindberg asked Ms. Leonard about going outside the restaurant to solicit business.

Ms. Leonard said they are more than willing to not allow any employees to go outside the restaurant during their shift.

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Mayor Clark asked if she was willing to establish a liaison with Albertina Kerr to discuss any problems that come up.

Ms. Leonard said she would be happy to work with them but noted that there is a drug and car theft problem in the neighborhood which has nothing to do with her business. She said if they see prostitutes or drug deals they contact police.

Commissioner Blumenauer said he feels uncomfortable adding liquor at this location and will vote no.

Commissioner Kafoury said while some kinds of establishments cannot be prohibited outright, the City does not constitutionally have to give them a liquor license.


Commissioner Lindberg said he will vote aye because he believes the applicant is serious about making this work.

Mayor Clark noted that this is a license for beer and wine, not liquor. He said if the applicant is sincere and applies good management then illegal activities can be controlled both inside and outside.

Disposition: Favorably recommended. (Y-3; N-2, Blumenauer and Kafoury)

At 2:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council