



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF MARCH, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

Agenda No. 350 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 351** Authorize purchase of three compact 4x4 utility trucks through a State Price Agreement from Breslin Pontiac GMC for \$49,935 (Purchasing Report - Bid 87)

**Disposition:** Accepted.

- 352** Accept bid of Walter E. Nelson Co. for Group II - polyethylene can liners, Group V - brushes, and Group VIII - miscellaneous for \$46,752; Merchants Paper Co. for Group III - mops, pails, etc., Group IV - brooms, Group VI - soaps/cleaners, and Group VII - insecticides/poisons for \$19,781; and World Wide Supply for Group I - trash cans for \$7,644 (Purchasing Report - Bid 101A)

**Disposition:** Accepted; prepare contract.

- 353** Accept bid of Marshall Associated Contractors, Inc. for 24", 16" and 12" DI main, Washington Park reservoir #4 by-pass and regulator vault for \$79,830 (Purchasing Report - Bid 109)

**Disposition:** Accepted; prepare contract.

**Mayor Vera Katz**

- 354** Confirm appointment of Kathleen Lansing to the Private Industry Council (Report)

**Disposition:** Confirmed.

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- \*355** Pay claim of Gerald Frank Gratton, Jr. (Ordinance)  
**Disposition:** Ordinance No. 167440. (Y-4)
- \*356** Pay claim of Arvel Richardson (Ordinance)  
**Disposition:** Ordinance No. 167441. (Y-4)
- \*357** Pay claim of Children's Oncology Services of Oregon, Inc. (Ronald McDonald House) (Ordinance)  
**Disposition:** Ordinance No. 167442. (Y-4)
- \*358** Change one part time Secretarial Clerk II position to one full time Secretarial Clerk II position in accordance with the Personnel Rules adopted by Council (Ordinance)  
**Disposition:** Ordinance No. 167443. (Y-4)
- \*359** Authorize Special Assessment Improvement Bonds (Ordinance)  
**Disposition:** Ordinance No. 167444. (Y-4)

**Commissioner Earl Blumenauer**

- 360** Declare the purpose and intention of the City of Portland to construct the street, storm sewer and sanitary sewer lateral improvements in SW Caraway Court from SW 33rd to 500 feet east Local Improvement District (Resolution; Street; C-9835)  
**Disposition:** Resolution No. 35256. (Y-4)
- \*361** Revocable permit to Jake's Restaurant to close SW Stark between SW 12th and SW 13th Avenues on March 16 through March 18, 1994 (Ordinance)  
**Disposition:** Ordinance No. 167445. (Y-4)

**Commissioner Charlie Hales**

- \*362** Authorize the Bureau of General Services, Fleet Services Division, to purchase one large-scale rotary mower and one pickup truck for assignment to Portland Parks and Recreation (Ordinance)  
**Disposition:** Ordinance No. 167446. (Y-4)

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- \*363** Authorize a State Historic Preservation Office grant application requesting \$25,000 to augment the funding of an Economic, Social, Environmental and Energy analysis for primary significant properties in the 1993 Northwest Portland Historic Resources inventory (Ordinance)

**Disposition:** Ordinance No. 167447. (Y-4)

- \*364** Authorize commencement of eminent domain proceedings for acquisition of land at Ed Benedict Park; authorize early possession (Ordinance)

**Disposition:** Ordinance No. 167448. (Y-4)

**Commissioner Gretchen Kafoury**

- 365** Reappoint Jack Costello and Willie Brown to the County-wide Housing and Community Development Commission through June, 1996 (Resolution)

**Disposition:** Resolution No. 35257. (Y-4)

- \*366** Increase contract with Geo Engineers, Inc. for environmental services for NW Front and Davis garage (Ordinance; amend Contract No. 27160)

**Disposition:** Ordinance No. 167449. (Y-4)

- \*367** Amend contract with Linda Moro by increasing the amount of compensation by \$7,400 and provide for payment (Ordinance; amend Contract No. 28608)

**Disposition:** Ordinance No. 167450. (Y-4)

- \*368** Approve intergovernmental agreement with Portland State University's School of Urban and Public Affairs for a case study of neighborhood livability and alcohol availability in Portland's Northwest District for the Bureau of Licenses (Ordinance)

**Disposition:** Ordinance No. 167451. (Y-4)

**Commissioner Mike Lindberg**

- \*369** Authorize vacation adjustment and relocation expenses for newly appointed employee, Alberto Rafols (Ordinance)

**Disposition:** Ordinance No. 167452. (Y-4)

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- \*370** Contract with Delta Electric to provide consulting engineering services to develop construction specifications and plans for minor electrical system modifications to existing systems (Ordinance)

**Disposition:** Ordinance No. 167453. (Y-4)

- \*371** Consent to transfer of Schield Sanitary Service solid waste and recycling franchise to Heiberg Garbage and Recycling (Ordinance)

**Disposition:** Ordinance No. 167454. (Y-4)

- \*372** Contract with Merina McCoy Gerritz CPAs for \$16,900 to conduct a solid waste and recycling CPA review of franchised companies for City rate review purposes (Ordinance)

**Disposition:** Ordinance No. 167455. (Y-4)

**REGULAR AGENDA**

- 350** Accept bid of GTE Mobilnet for Group I (823 Prefixes) for cellular telephone service for the Bureau of General Services for \$359,040 (Previous Agenda 309)

**Discussion:** Cay Kershner, Clerk of the Council, said the Purchasing Agent had requested referral of this item back to his office.

Hearing no objection, Mayor Katz so ordered.

**Disposition:** Referred to Purchasing Agent.

**Commissioner Earl Blumenauer**

- 373** Consider vacating a portion of SW Whitaker Street at the request of Ed and Ganeen Fisher (Hearing; Report; C-9848)

**Disposition:** Approved. City Engineer prepare ordinance. (Y-4)

**City Auditor Barbara Clark**

- 374** Place a measure on the May 17, 1994 ballot to amend City Charter provisions to clarify the responsibilities of the City Auditor (Resolution)

**Discussion:** Barbara Clark, City Auditor, said the first measure brings together in one place all the different duties of the Auditor and eliminates the repetitious language. The second, and most substantive change, opens up the field of candidates for Auditor to include

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Certified Internal Auditors and Certified Management Accountants, not just Certified Public Accountants. The third change states that OFA will be responsible for reviewing payments while the Auditor's Office retains the right to review any of those systems or individual transactions. This gets rid of a duplicate function between Accounts Payable and the Disbursements section of her office.

Commissioner Hales noted a concern about the language in 2-504 regarding the Auditor's duties. He said the old language calls for the Auditor to serve as the City recorder and keep the original and conformed copy of all City contracts. The new language calls for maintenance of all official records, including all records of the various bureaus. He asked what this would mean in practice.

Ms. Clark said the deleted Charter language goes back to 1913 when the Auditor was the only financial person and record keeper. Now the Code states that the Records Manager is a division of the Auditor's Office and responsible for all records Citywide, print and electronic. The new Charter language is a brief statement of what the Code already provides.

Commissioner Hales asked what it means to say that maintenance of electronic records, such as infrastructure or zoning maps, in the various bureaus is the responsibility of the Auditor.

Ms. Clark said it means the Auditor's Office will keep on doing what it does now. Bureaus which want to give a lot of space to material that duplicates records available elsewhere on microfilm will be getting a combination of consulting and enforcement services from her office. Another reason for this provision concerns liability for old records. If there is a retention plan then the legal liability ends when those records are destroyed. If there is no plan it looks like records are being destroyed in a whimsical or capricious manner.

**Disposition:** Resolution No. 35258. (Y-4)

**375**

Place a measure on the May 17, 1994 ballot to amend City Charter provisions to simplify procedures for City elections (Resolution)

**Discussion:** Auditor Clark said this simplifies the procedures for City elections by deleting forms that are now part of the Charter and replacing them with a sentence stating the Council shall enact election procedures by ordinance. There are no substantive changes.

Mayor Katz asked if an ordinance will be coming to Council that picks up the Charter language.

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Ms. Clark said one will be drafted before the May election so that people have a clear understanding of what they get if they vote yes.

Paul Richmond, PO Box 454, 97207, said Article 2-203 eliminates the requirements for bonds for members of the City Council in case of conviction for corruption or malfeasance. He said he finds this very curious when the City is currently emphasizing the need for private citizens to have insurance. He said he is also concerned with 3-106 that calls for Council to adopt election procedures by ordinance and hopes the new provisions will not prohibit people such as himself from running for office.

Mayor Katz said she assumes the Auditor will reflect the same language in the ordinance as is now in the Charter.

Dan Vizzini, Auditor's Office, said they have taken procedural language that would normally appear in the Code out of the Charter, which should prescribe powers but leave the details for implementing them in the Code.

Regarding bonds on elected officials, Mr. Vizzini said this provision was removed on the recommendation of the City Treasurer since such bonds are currently covered through the City's insurance program. Bonds for public officials are also required by State law and so they believe no protections are being lost.

**Disposition:** Resolution No. 35259. (Y-4)

**376**

Place a measure on the May 17, 1994 ballot to amend City Charter provisions to clarify assessment collection and foreclosure procedures (Resolution)

**Discussion:** Auditor Clark said this would close a loophole some delinquent property owners are using by letting their delinquent accounts go to the brink of foreclosure and then making just one payment, which starts the whole procedure all over again. She said all the safeguards are being retained to make sure that people are not thrown out of their residences or treated unfairly. This Charter change simply prevents some people from getting an unfair advantage at the expense of the rest.

Mr. Richmond said Article 9, Section 9-804, seems to provide that the City will itself become a slum lord, taking possession of properties held by those it designates as slum lords.

Mr. Vizzini said City staff is currently unable to declare a loan contract in default because of delinquencies made by one party. This

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Charter change, if approved, cannot be applied retroactively so anyone with an existing loan with the City is covered under the conditions of that loan, which could only be changed if a new loan was negotiated with the property owner. Thus, the new Charter language cannot be used to go after a very large inventory of delinquent property owners.

**Disposition:** Resolution No. 35260. (Y-4)

**377**

Assess property for large lot deferral contracts through December, 1993 (Hearing; Ordinance; L0042)

**Discussion:** Mr. Vizzini said this is part of the Mid-County sewer project and no written remonstrances were received on this group of contracts.

**Disposition:** Passed to Second Reading March 16, 1994 at 9:30 a.m.

After Council concluded its consideration of the Agenda, Bob Akers and Bob Bothman, representing the 40-Mile Loop Trust, presented a new map of the loop which will be available in bookstores and other outlets in the area. They said they need a regional pedestrian/bicycle system is needed that provides an alternative to the car and the Loop is the start of such a system.

At 10:00 a.m., Council recessed.

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**A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF MARCH, 1993 AT 2:00 P.M.**

**THOSE PRESENT WERE:** Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

**Commissioner Charlie Hales**

**378**

**Amend Title 33, Planning and Zoning, to implement interim regulations for Westside Light Rail station areas (Ordinance; amend Title 33)**

**Discussion:** Jim Claypool, Planning Bureau staff, and Walt Peck, Assistant to the Director of the Washington County Department of Land Use and Transportation, presented a slide show of the Westside Corridor study.

Mr. Claypool said Light Rail station area planning has begun and by mid-1995 staff expects to return to Council with alternative proposals for the Goose Hollow station areas. In the interim, the Bureau is proposing some amendments to the Central City Plan District as well as the Goose Hollow subdistrict. These interim regulations will primarily restrict non-transit supportive uses, including some types of parking, drive-throughs, vehicle service and repair, sales, exterior storage and display. Standards are also proposed which increase the development intensity by adding floor area ratio minimums and creating a maximum of 150 percent for parking, based on the current Code minimums. A few design standards are being added but for the most part these will be addressed as part of the station areas planning process. The interim regulations amend the Central City Plan District and add a T-overlay (Light Rail transit) zone to the area in Goose Hollow outside the District. Mr. Claypool noted that this proposal was adopted by the Planning Commission January 25, and since that time several issues have been raised by the Central City Transportation Management Planning (CCTMP) committees and others.

Jessica Richmond, Planning Bureau, summarized three changes which they are recommending since adoption of this proposal by the Planning Commission. These changes result from the discovery of some conflicts with agreements and principles already in the CCTMP. First, the Planning Commission established a maximum for parking in the Goose Hollow subdistrict of 150 percent of the minimum. She noted a lot of



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concern about establishing ratios in conjunction with the regional ratios project that DEQ has undertaken. What was worked out is a proposal to have office parking limited to 120 percent, which translates to three parking spaces per 1,000 square feet of office space. All other uses will have a maximum of 150 percent. The tighter pinch on office space is more consistent with the CCTMP.

Second, Ms. Richmond explained, current regulations prohibit surface parking within 100 feet of Light Rail. The Planning Commission changed that to 200 feet in the Goose Hollow subdistrict only. A similar concern about renewals of the existing surface parking lots was raised, as current regulations prohibit new surface parking lots in locations where there are existing lots now. The practice has been not to apply those prohibitions to renewals of existing lots although the area where the prohibition applies may be increased. Therefore, existing surface parking lots adjacent to Light Rail will be able to remain and the prohibition will apply only to new ones while the broader concerns about parking adjacent to light rail are being debated in the CCTMP process.

Mr. Claypool described the proposed amendments, which delete application of the interim regulations to the Central City Plan District outside of Goose Hollow.

Commissioner Hales moved adoption of the March 2 amendments.

Commissioner Kafoury seconded and, hearing no objections, the Mayor so ordered.

G.B. Harrington, Director of Strategic Planning, Tri-Met, supported the interim regulations and the amendments. He said a positive return on the public's investment in Westside Light Rail will depend on the wise use of land around the stations. This action is part of a comprehensive corridor-wide strategy to guide land use around each of the stations. Washington County passed a similar ordinance last July and Hillsboro and Beaverton are scheduled to do likewise. In each case the interim regulations limit auto-oriented uses, provide for minimum densities and set limits on parking, thus buying time for completion of the station community plans. It is expected that new community plans will be adopted by September, 1995. Those community plans and the parking ratios that are expected from the DEQ may ultimately supersede and probably tighten these regulations.

Preston Orem, 1853 SW Jefferson, said he was concerned that something might be included in the action Council is taking today that would jeopardize existing business operations, especially as the development of Light Rail is already jeopardizing standard business

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procedures. He also asked about accessory parking on surface lots.

Mayor Katz said staff would be available to answer those questions.

**Disposition:** Passed to Second Reading as amended Wednesday, March 16 at 9:30 a.m.


**379**

Appeal of Roy L. Orem Trust against Hearings Officer's decision to approve application of Tri-Met for a conditional use, design review and adjustments to develop commercial parking lots near the alignment of the Westside Light Rail line (Hearing; **rescheduled to April 27, 1994 at 2:00 pm**; 93-00665 CU DZ AD)

**Disposition:** Continued to April 27, 1994 at 2:00 p.m.

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

BARBARA CLARK  
Auditor of the City of Portland

  
By Cay Kershner  
Clerk of the Council