



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF JANUARY, 1995 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Adrienne Brockman, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda No. 31 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 18** Accept bid of PCL Leasing Corporation for an IBM 3990-Q03 DASD Control for \$49,900 (Purchasing Report - Informal Bid)
- Disposition:** Accepted; prepare contract.
- 19** Accept bid of Microtech Systems, Inc. for computer workstations for \$67,203 (Purchasing Report - Bid 48 Rebid)
- Disposition:** Accepted; prepare contract.
- 20** Accept bid of Altec Industries, Inc. for furnishing one 33,000 GVW cab and chassis for \$97,459 (Purchasing Report - Bid 67)
- Disposition:** Accepted; prepare contract.
- 21** Accept bid of Pacific Water Works Supply Co., Inc. for \$121,544 and United Supply Co., Inc. for \$11,067 for furnishing the annual supply of cast iron and/or ductile iron pipe fittings (Purchasing Report - Bid 72-A)
- Disposition:** Accepted; prepare contract.
- 22** Vacate a certain portion of SE 94th Avenue north of SE Harold Street, under certain conditions (Second Reading Agenda 3; C-9866)
- Disposition:** Ordinance No. 168426. (Y-5)

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Mayor Vera Katz

***23** Pay claim of Nina Saranchuk (Ordinance)

Disposition: Ordinance No. 168427. (Y-5)

Commissioner Earl Blumenauer

24 Amend City Code budget procedure to establish rules of procedure for capital expenditures (Second Reading Agenda 7; amend Code Section 5.20.010)

Disposition: Ordinance No. 168428. (Y-5)

Commissioner Charlie Hales

***25** Contract with Microtech Systems, Inc. for workstation computers and a server for a total of \$67,203 and provide for payment (Ordinance)

Disposition: Ordinance No. 168429. (Y-5)

***26** Amend Parks permit with Rock'n'Rodeo to extend the term through December 31, 1995 (Ordinance)

Disposition: Ordinance No. 168430. (Y-5)

***27** Contract with Booth Research Group, Inc. for conducting two assessment centers for promotional examinations for the Bureau of Fire, Rescue and Emergency Services at a cost of \$23,500 (Ordinance)

Disposition: Ordinance No. 168431. (Y-5)

28 Intergovernmental Agreement with the cities of Milwaukie and Gresham for participation in and payment for portions of the Fire Station Location Study (Second Reading Agenda 8)

Disposition: Ordinance No. 168432. (Y-5)

Commissioner Gretchen Kafoury

29 Confirm reappointment of George Van Hoomissen to the Taxicab Board of Review (Report)

Disposition: Confirmed.

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Commissioner Mike Lindberg

- *30** Authorize a contract with the lowest responsible bidder to furnish materials and labor for the Columbia Boulevard Wastewater Treatment Plant tunnel communication wireway system project, Project No. 5462, and provide for payment (Ordinance)

Disposition: Ordinance No. 168433. (Y-5)

- *32** Amend contract with Portland State University for sediment studies in Bull Run Reservoir No. 1 to extend termination date at no additional cost (Ordinance; amend Contract No. 28527)

Disposition: Ordinance No. 168434. (Y-5)

REGULAR AGENDA

- *31** Authorize a contract and provide for payment for construction of the SE 45th and Harney sanitary sewer (Ordinance)

Discussion: Commissioner Lindberg requested that this be continued one week.

Disposition: Continued to January 18, 1995 at 9:30 a.m.

Mayor Vera Katz

- 33** Authorize the City Attorney to take an appeal from the judgment in City of Portland v. 1985 Porsche 944, Oregon License No. SBG 345, Multnomah County District Court No. 92C 771815 (Resolution)

Discussion: Paul Richmond, P.O. Box 454, 97207, objected to the City's settling this case rather than taking it to court, where an unfavorable ruling might jeopardize the status of its property forfeiture laws. He said two years ago Mayor Katz counseled him to take this to court when he questioned the constitutionality of these laws.

Mayor Katz pointed out that this is not a settlement and that the City is appealing this in order to test its constitutionality because similar laws have been found unconstitutional based on double jeopardy protections.

Disposition: Resolution No. 35355. (Y-5)

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Commissioner Charlie Hales

- *34** Accept a grant renewal from the Administration on Aging in the amount of \$97,454 to fund year two of Housing Ombudsman Demonstration Projects (Ordinance)

Discussion: Mayor Katz said she predicts this will be very successful.

Disposition: Ordinance No. 168435. (Y-5)

Commissioner Gretchen Kafoury

- 35** Establish E-Plate Parking Prohibition and Citation/Towing Policy for Government-owned vehicles (Resolution)

Discussion: Commissioner Kafoury said this is a small step forward in helping the public access the Permit Center and other government offices downtown. She noted that the Development Review questionnaire indicated that the biggest complaint people had about the Permit Center was the difficulty in finding parking. This resolution wipes the slate clean on several thousand dollars of outstanding parking citations because they do not know who incurred them. At the end of January, drivers and bureaus will be held responsible for violations of the policy.

Commissioner Lindberg asked if a follow-up survey would be done.

Commissioner Hales said they are preparing a comment form for regular use.

Disposition: Resolution No. 35356. (Y-5)

At 9:45 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF JANUARY, 1995 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

REGULAR AGENDA

Commissioner Charlie Hales

- 39** Tentatively deny, in part, appeal of Forest Park Neighborhood Association and uphold Hearings Officer's decision, as amended, to approve application of HGW, Inc. for an 111-lot subdivision located 1/2 mile north of NW Cornell Road, adjacent to and west of NW Skyline Boulevard (Findings; 94-00259 SU ZC IR; Previous Agenda 1982)

Discussion: Tom Bizeau, Planning Bureau, said the findings submitted reflect the decision Council made at the hearing. He said the Forest Park Neighborhood Association letter of December 21, 1994 needs to be included as Exhibit P.

Commissioner Hales moved to amend the findings to include that. Commissioner Lindberg seconded and, hearing no objections, the Mayor so ordered.

Commissioner Hales moved adoption of the findings.

Disposition: Findings adopted as amended. (Y-5)

- *36** Amend the Comprehensive Plan Map and change the zone of property at 11126 SE Boise Street, from R7, Residential, to R5, Residential (Ordinance; LUR 94-00681 CP ZC)

Discussion: Ruth Spetter, Senior Deputy City Attorney, read the ground rules regarding testimony.

Steve Gerber, Planning Bureau, showed slides of the site, noting that this proposal for one new home requires a partition to create a second lot and an adjustment for lot area from 5,000 to 4,830 square feet, a four percent reduction. The Hearings Officer and staff both recommend approval. The R5 is congruous with existing zoning patterns and street waivers will be required so, if the street is upgraded, this property will

have waived the right to remonstrate. Applicable Comprehensive Plan goals and policies have been met.

Disposition: Ordinance No. 168436. (Y-5)

*37

Amend the Comprehensive Plan Map and change the zone of property at 12150 NE Fremont from R7 and R3, Residential, to R3, Residential (Ordinance; 94-00701 CP ZC)

Discussion: Ms. Spetter read the ground rules regarding testimony.

Mr. Gerber said this is a proposal to construct 12 town houses on a site which currently has split zoning, with R7 adjacent to the intersection and R3 on the northern one third. Applicant requests a zone change to R3 and a concept proposal for 12 dwelling units has been submitted. However, since a specific development plan is not required, a reference in the approval to a concept plan may unduly limit the applicant's flexibility in dealing with the concerns of immediate neighbors. Staff would not oppose deletion of the reference to Exhibit D.1. Mr. Gerber noted that the site fronts on NE Fremont and that access from NE 122nd is discouraged by the State. He described the surrounding area, adding that the closest adjacent land is mostly residential but multi-family homes in R3 zoning are located across 122nd and on NE Fremont, along with some R7 single family housing. The Hearings Officer and staff both recommend approval, believing that the R3 zone would be more appropriate than R7 at this busy intersection. This proposal is in accord with the Cully/Parkrose Community Plan and will make the property more easily developable.

Spencer Vail, Planning Consultant, 4505 NE 24th, 97211, asked for the removal of the direct reference to the concept plan from the Hearings Officer's decision. (Page 11, referring to the words "in accordance with site plan" (Exhibit D.1.). Applicant's concern is with how it might be interpreted at the time of construction. He said the concept plan could pose difficulties if the developer is stuck with that particular concept plan in the final design phases. He said, in a memo to the file dated January 5, 1995, the Hearings Officer indicated she has no objection to the removal of the clause as long as the conditions attached remain in force.

Mrs. Lam, 12122 NE Fremont, said her property is right next door and she is worried about a driveway which will go right by her house, which is only five feet away from the property line. Traffic for all the proposed houses will be about 60 cars a day. She asked that a fence be built between her property and the driveway.

Commissioner Hales said staff can tell her the screening requirements

for multi-family and R3 use. He said he believes there are landscaping requirements completely aside from what is in the site plan.

Mr. Gerber said this issue was raised with the Hearings Officer who added a condition of approval (C) which requires either a 6-foot solid screen/fence or 10-feet of low screening.

Commissioner Hales asked if a tall screen would be required if the driveway was built as close to the property line as envisioned by Mrs. Lam.

Mr. Gerber said either six feet of vegetation or a fence.

Ms. Lam said they would prefer a fence.

Commissioner Hales said the landscaping standards allow some flexibility but contain some minimum requirements about height and penetrability. So while the material may vary, the performance of the screen has to be roughly the same.

Mr. Vail said they have already agreed to meet with neighbors about Condition C when they do the final plan.

Commissioner Kafoury moved to remove the section of the findings referring to the final site plan. Commissioner Hales seconded and the motion carried. (Y-5)

Commissioner Hales moved adoption of the findings as amended.

Disposition: Ordinance No. 168437 as amended. (Y-5)

***38**

Amend the Comprehensive Plan Map and change the zone of property on the north side of SE Powell Boulevard, west of the I-205 freeway, from IG2, Industrial, to R5, Residential (Ordinance; LUR 93-00763 CP ZC CU)

Discussion: Ms. Spetter read the ground rules regarding testimony.

Mr. Gerber said the proposal in this case is for a church, with applicants requesting two Comprehensive Plan Map amendments and zone changes, one from IG2 to R5 and one from Open Space (OS) to R5. Neither the IG2 or OS zones allow institutional uses while the R5 does, as a conditional use. Both the Hearings Officer and staff have recommended denial of the OS to R5 zone change and approval of the IG2 to R5. He showed slides of the site, noting that much of it is steeply sloped with dense vegetation. The open space is contiguous to adjacent open space owned by the Water Bureau. The habitat also

contains at least two plant species found only here in the City. Across SE Powell from the site is a Tri-Met bus yard and a gravel storage area and the entrance to the site would be shared by the church and the Water Bureau.

The Hearings Officer recommended denial of the OS to R5 request because there is no proposed use of that portion of the site at this time and no plan for preservation or mitigation of any impacts. Approval of the IG2 to R25 was recommended because it meets the required criteria. Because of the terrain there has been no attempt to use this site for industrial purposes and even use of the flatter part of it for industrial purposes would be expensive relative to most industrial land. The church will provide a valuable service on land now vacant and likely to remain so if not rezoned.

Commissioner Hales asked about the undeveloped portion of the site to the north, accessed by the parking lot. He asked if the zoning was being changed there.

Mr. Gerber said it is already R5 and may be accessible in the future although there are no plans now. There will be no city street access to that portion of the site.

Frank Wood, P.O. Box 151, Clackamas, OR 97015, representing the Church of the Nazarene, said they concur with the Hearings Officer's decision. He noted the January 10, 1995 letter from the Oregon Department of Transportation and two errors in the notification, one regarding the time and one stating that Phase I would be 20,000 square feet. The correct number is 29,679.

Disposition: Ordinance No. 168438. (Y-5)

Commissioner Gretchen Kafoury

40 Liquor license application for Kyung Yol Park and Kong Suk Park, dba Food & Cigarettes, 2315 NW Vaughn Street, Package Store liquor license (new outlet); Favorable recommendation, with restrictions (Report)

Discussion: Mike Sanderson, License Bureau, said the license allows the sale of beer and wine to go but no on-site consumption. The store is in an area with a recent history of street drinking but staff has seen a significant decrease in the problem since the store at 23rd and Thurman stopped selling large containers of beer and wine. In addition, neighbors report the problem has shifted to 26th and Thurman, five blocks from the proposed location, where the problem products are still available. Staff believes this new location will become a target of street

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drinkers if the problem products are available and, for this reason, is forwarding a favorable recommendation with restrictions on the sale of these products and on sales to street drinkers. The neighborhood has raised the issue of hours but the Bureau has no record of complaints of late night problems related to package stores. The store has no plans to stay open later than 9:00 p.m. but, if this changes, the Bureau has requested notification.

Kyung Yol Park, 2315 NW Vaughn, said he has not had a single problem with a customer since he opened and does not believe his store is frequented by street drinkers. He said as Vice President of the Korean Grocers Association it is a sensitive issue for him to sign an agreement restricting problem products because of the possible effect on Association members. He said until KGA holds its scheduled meeting with the OLCC later this month it would not be right for him to agree to restrict the sale of containers over 16 ounces. He said he has sold only a few 22-ounce bottles.

Commissioner Kafoury asked him if he was signing the agreement.

Mr. Sanderson said in previous conversations with Mr. Park, it is his sense that he does not have a personal problem with the restrictions but is concerned that others will view his signing in the context of his vice presidency because of the policy issue involved.

Commissioner Kafoury noted that one of the restrictions is that Mr. Park sign the agreement.

Mr. Park said he did not understand why he had to sign when he had not had any problems.

Commissioner Kafoury said Council has told other grocers in the area, both Korean and non-Korean, they could not have a license unless they sign an agreement. She said Council cannot make an exception.

Commissioner Blumenauer said other people have asked Council for exceptions because not everyone else has the same restrictions. They have been told that Council would set a consistent policy.

Mr. Park said he has seen no evidence of a problem with street drinkers in the area where he operates. He said it is very quiet and peaceful.

Commissioner Kafoury said perhaps it is quiet because everyone else has signed the agreement.

Commissioner Blumenauer said it looks like Council should not act at this time.

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Mayor Katz said Council wants to treat everyone in the neighborhood equally. She said the issue of his serving as vice president of the Korean Grocers Association is quite separate. This concerns an individual business in a neighborhood which has problems with street drinkers who move from one store to another. That is why Council wants everyone to live by the same rules.

Carmeron Phager, 2529 NW Savier, said he is concerned about the proximity of the store to the freeway entrance, which might promote drinking and driving. The store may also be a magnet to homeless people seeking alcohol and the fact that the current owner is selling knives and weaponry is not comforting for nearby residents. Finally, this has been a troublesome area in the past for street drinkers and, while the problem has subsided because of the community policing agreements, he would hate to see it come back. However, he would agree to granting this if Mr. Park signs the agreement and limits his hours to not later than 9:00 p.m.

Mr. Park noted that they currently close at 8:00 p.m. weekdays and at 6:00 p.m. on Saturdays. He said most of his customers are industrial workers and he does not understand why Mr. Phager thinks he is selling weaponry, as the store carries nothing except for Swiss knives that falls in that category.

Mr. Sanderson said it is clear that Mr. Park would not sign the community policing agreement on a voluntary basis. It was brought to Council so that the recommendation to the OLCC would note the involuntary restriction matching the community policing agreement. The favorable with restrictions recommendation is consistent with what the voluntary participants have agreed to do.

Commissioner Kafoury said she thought they were not forwarding favorable recommendations unless the applicants signed the agreement.

Mr. Sanderson said this is the same recommendation that was made with Day and Night last week. He said to date none of the licensees coming to Council with this recommendation have agreed to the restrictions voluntarily. They have eventually gone to hearings at OLCC, or are scheduled for hearing, on a contested basis.

Commissioner Lindberg asked if OLCC holds to those restrictions.

Mr. Sanderson said the Bureau is speculating, because none of the five involved have gone to OLCC, that they will be restricted, particularly those in Old Town.

Commissioner Kafoury moved approval with a strong wish that Mr.

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Park sign but with a clear signal to OLCC that a mandatory restriction be placed on this store.

Commissioner Blumenauer requested that the practice of granting conditional approvals be halted until Council sees how OLCC treats these. It may send a stronger message if an unfavorable recommendation is sent.

Commissioner Hales agreed, noting that this works only if OLCC backs them up.

Mayor Katz asked the Bureau to report back with the OLCC decisions.

Disposition: Favorably recommended with restrictions. (Y-5)

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

JANUARY 12, 1995

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF JANUARY, 1995 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

41 **TIME CERTAIN: 2:00 PM** - Acknowledge appreciation of the contributions of the late Dr. Eldon George "Frenchy" Chuinard (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales noted Dr. Chuinard's contributions to the City, particularly his advocacy for the Urban Forestry Commission. He presented plaques to Dr. Chuinard's two children, Beverly Forrest and Robert Chuinard.

Charles Jordan, Director, Bureau of Parks and Recreation, called Dr. Chuinard an early visionary and said residents are still enjoying his dreams.

Bill Naito, Urban Forestry Commission, said he appreciated Dr. Chuinard as a historian as well as for his contributions to the City.

Mr. Chuinard related his father's love for the City.

Mayor Katz and Commissioner Lindberg recalled working with him on a number of projects.

Disposition: Resolution No. 35357. (Y-5)

At 2:20 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council