



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF JANUARY, 1996 AT 9:30 A.M.

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

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

Commissioner Lindberg, as President of Council, called the meeting to order and requested the election of a new President to serve January 3 through June 30, 1996. Commissioner Blumenauer was elected unanimously.

Agenda No. 23 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1 Cash investment balances November 16 through December 13, 1995 (Report; Treasurer)

**Disposition:** Placed on File.

- 2 Accept bid of Culver Glass for Portland Building south window repair phase 2 for \$259,820 (Purchasing Report - Bid 38)

**Disposition:** Accepted; prepare contract.

- 3 Accept bid of Jim Miller Construction, Inc. for restroom renovations at Grant, Oregon and Wilshire Parks for \$223,252 (Purchasing Report - Re-Bid 49)

**Disposition:** Accepted; prepare contract.

- 4 Accept bid of Alliance Corporation for construction of Sacajawea sanitary sewer system for \$3,353,361 (Purchasing Report - Bid 58)

**Disposition:** Accepted; prepare contract.

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5 Accept bid of Wentworth Chevrolet for fifteen extended cab compact pickup trucks for \$239,214 (Purchasing Report - Bid 63)

**Disposition:** Accepted; prepare contract.

6 Accept bid of Landmark Ford for ten extended cab 3/4 ton pickup trucks for \$204,240 (Purchasing Report - Bid 64)

**Disposition:** Accepted; prepare contract.

7 Accept bid of G. R. Morgan Construction for Custer Park playground improvements for \$56,568 (Purchasing Report - Bid 71)

**Disposition:** Accepted; prepare contract.

**Mayor Vera Katz**

\*8 Pay claim of Melba Albert (Ordinance)

**Disposition:** Ordinance No. 169673. (Y-4)

\*9 Pay claim of Cheng Chen (Ordinance)

**Disposition:** Ordinance No. 169674. (Y-4)

\*10 Acquire property adjacent to Powell Butte Nature Park and settle claims of Shelley Radmer, Ralph Radmer and Ronald Glazier (Ordinance)

**Disposition:** Ordinance No. 169675. (Y-4)

\*11 Authorize temporary appointments of Darrell Walker to the position of Senior Systems Programmer and Minh Dinh to the position of MIS Analyst at rates of pay above entry (Ordinance)

**Disposition:** Ordinance No. 169676. (Y-4)

\*12 Authorize the purchase of a Cisco high-speed data communications router through the Oregon State Price Agreement and provide for payment (Ordinance)

**Disposition:** Ordinance No. 169677. (Y-4)

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**Commissioner Earl Blumenauer**

- 13** Set hearing date for Wednesday, 9:30 a.m., February 7, 1996, for the vacation of NE Pacific Street between NE 6th and 7th Avenues (Resolution; C-9908)

**Disposition:** Resolution No. 35482. (Y-4)

- \*14** Agreement with the Oregon Department of Transportation for the implementation of traffic safety improvement projects at three intersections (Ordinance)

**Disposition:** Ordinance No. 169678. (Y-4)

- \*15** Amend agreement with Lloyd Lindley, ASLA, to provide professional services for the Broadway-Weidler corridor study (Ordinance)

**Disposition:** Ordinance No. 169679. (Y-4)

- \*16** Agreement with the Oregon Department of Transportation to undertake Phases III and IV of the Pedestrian Facilities for Transit Access project (Ordinance)

**Disposition:** Ordinance No. 169680. (Y-4)

- \*17** Agreement with City of Milwaukie to provide for a sanitary sewer line in the SE Johnson Creek Boulevard Phase I street construction contract (Ordinance)

**Disposition:** Ordinance No. 169681. (Y-4)

**Commissioner Charlie Hales**

- \*18** Contract with CEMS, Inc. for the sum of \$70,221 to provide pre-construction site fill at East Delta Park and provide for payment (Ordinance)

**Disposition:** Ordinance No. 169682. (Y-4)

- \*19** Contract retroactively with the Association for Portland Progress for the provision of citizen participation and crime prevention services for the period July 1, 1995 through June 30, 1996 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 169683. (Y-4)

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**Commissioner Gretchen Kafoury**

- \*20** Intergovernmental Agreement with the City of Lake Oswego for access to the City of Portland's 800 MHz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 169684. (Y-4)

- \*21** Intergovernmental Agreement with the City of Gresham for the cooperation of units of local government for the development of the Consolidated Plan and provide for receipt of payment (Ordinance)

**Disposition:** Ordinance No. 169685. (Y-4)

- \*22** Contract with Vestpocket Community Center, Inc. for \$18,500 for improvements to St. Francis Park and provide for payment (Ordinance)

**Disposition:** Ordinance No. 169686. (Y-4)

**Commissioner Mike Lindberg**

- \*24** Agreement between the City through the Bureau of Environmental Services and ELCON Associates, Inc. for design and compilation of a complete O&M manual of record drawings for Ankeny Wastewater Pumping Station and miscellaneous electrical design work (Ordinance)

**Disposition:** Ordinance No. 169687. (Y-4)

**REGULAR AGENDA**

- 23** Accept completion of contract with Tice Electric Company for Columbia Boulevard Wastewater Treatment Plant light fixture cleaning, re-lamping, ballast change and new HID fixtures and pay retainage (Report; Contract No. 29761)

**Discussion:** Commissioner Lindberg updated Council on the City energy savings program. He said the goal has been to reduce the annual bill by \$1 million in City bureaus and agencies. With the completion of this project, savings have reached \$870,000 and another \$140,000 in savings should be achieved prior to the end of the budget year. Since the program's inception in 1991, the cumulative total saved is \$1.8 million. He said this contract reduced energy bills at the treatment plant by \$27,215 a year and, for its total energy

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consevation efforts, Portland General Electric will rebate the City \$47,000.

**Disposition:** Accepted. (Y-4)

- \*25** Authorize the Portland Office of Transportation and the Livable City Housing Council to enter into a disbursement agreement for the Belmont Dairy Project to establish an interest-bearing Trustee Account with the City Treasurer for the total amount of \$395,000 (Previous Agenda 1949)

**Disposition:** Ordinance No. 169688. (Y-4)

**Mayor Vera Katz**

- \*26** Accept a 12 month grant in the amount of \$842,636 from the Center for Substance Abuse Prevention on behalf of the Regional Drug Initiative (Ordinance)

**Disposition:** Ordinance No. 169689. (Y-4)

- \*27** Authorize a labor agreement between the City and the Portland Police Commanding Officers Association relating to terms and conditions of employment of represented personnel (Ordinance)

**Discussion:** David Rees, Bureau of Personnel, said the issues the City was unable to negotiate with the Association were arbitrated and this agreement reflects those outcomes. He said this is one of the first State arbitration decisions that incorporate the new changes under Senate Bill 750. The "last best offer" selected was the City's proposal.

**Disposition:** Ordinance No. 169690. (Y-4)

**Commissioner Charlie Hales**

- 28** Accept the Planning Commission recommendation for the Goose Hollow Station Community Planning Project (Previous Agenda 1942)

**Discussion:** Jim Claypool, Bureau of Planning, reviewed the 15 amendment requests and staff recommendations, which have been grouped under six topics. The first amendment for a change from the recommended CXd zoning was requested by Bettina Christenson. Staff believes the proposed zone should remain as this is a very good site for housing and mixed-use commercial because of its relationship to the King's Hill Historic District. The site fronts on Jefferson but also adjoins King's Hill to the rear and could accept up to 47 units on

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that portion of the property. The proposed height limits provide scenic protection for the Vista Bridge and incorporate stepdown development from Jefferson Street to the King's Hill Historic District.

Commissioner Blumenauer asked Mr. Claypool to focus only on the amendment requests where staff does not agree with the proposed changes.

Regarding Item 2, the Central City Plan boundaries, Mr. Claypool said staff recommends inclusion in the plan district, as requested by the owners, of two pieces of property in the West Burnside area. Items 5 through 9 concern CXd housing requirement issues. He said the Planning Commission proposed a number of alternatives for base zoning changes and this is the requirement they felt worked best in Goose Hollow. Staff, therefore, does not support those requests.

Mr. Claypool said staff does support Items 10 through 15. Items 10 and 11 deal with zoning and coordination, primarily on Collins Circle. Staff agrees that on Item 12, parking ratios should remain 2.0 as agreed to in the Central City Transportation Management Plan. Finally, regarding the Goose Hollow initiative for a zone change to the RH setback and loading standards, staff has submitted a final Code amendment (dated January 2, 1996) which is supported by the Goose Hollow Foothills League and by the Office of Transportation.

Commissioner Hales summarized that staff has recommended approval of a number of requests to include additional areas in the district boundary but has not recommended changing the housing requirements. He noted a whole cluster of requests from people who have single-purpose office uses in the district who object to the idea of inclusionary requirements. He said he agrees with the Bureau's recommendation as he believes staff, the Goose Hollow Foothills League and the Business Association have struck a workable compromise in this case. However, that is a policy call for Council as to whether there is an appropriate balance. He moved the adoption of the staff recommendation. Commissioner Kafoury seconded and, hearing no objections, it was so ordered.

Commissioner Blumenauer asked if the Planning Commission recommendations would be adjusted according to the approved amendments.

Mr. Claypool said yes.

**Disposition:** Continued to January 10, 1996 at 9:30 a.m.

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- 29** Amend the Portland Comprehensive Plan, Central City Plan and Goose Hollow District, Zoning Code and Zoning Maps in support of the Goose Hollow Station Community Planning Project (Previous Agenda 1943)

**Discussion:** Passed to Second Reading as amended January 10, 1996 at 9:30 a.m.

- 30** Amend the Central City Plan by adopting Action Charts for the Goose Hollow District and making related changes (Previous Agenda 1944)

**Disposition:** Continued to January 10, 1996 at 9:30 a.m.

**Commissioner Mike Lindberg**

- 31** Accept Revenue Shortfall and Financial Plan report dated December 15, 1995, submitted by the Bureau of Environmental Services (Previous Agenda 1974)

**Disposition:** Commissioner Blumenauer said this report portends some budget issues.

Commissioner Lindberg said those will be addressed in depth next week during the Bureau of Environmental Services CORE budget review and noted that the downturn in revenues has implications for the entire budget, including some of the interagencies. He intends for the CORE discussion to include "real world budget issues," not just theoretical talk.

**Disposition:** Accepted. (Y-4)

Commissioner Kafoury moved to accept the item on the Four-Fifths Agenda; Commissioner Lindberg seconded and the motion carried.

**FOUR-FIFTHS AGENDA**

- 31-1** Confirm appointment of Christopher Taylor to the Portland Utilities Review Board (Report introduced by Mayor Katz)

**Discussion:** Commissioner Blumenauer noted the item before Council.

**Disposition:** Confirmed. (Y-4)

At 9:52 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF JANUARY, 1996 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; Michael Holstun, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

**32**

**TIME CERTAIN: 2:00 PM** - Appeal of Block 216 Partnership, applicant, against Hearings Officer's decision to deny application for a conditional use and design review for a 54-space surface parking lot with landscaping at 901-917 SW Alder (Hearing; 95-00660 CU BELIEVES)

**Discussion:** Michael Holstun, Senior Deputy City Attorney, asked for ex parte contacts and outlined procedures to be followed in quasi-judicial hearings. No ex parte contacts were declared.

Ruth Selid, Planning Bureau, described the proposal for a 54-space surface parking lot for carpools or short-term use, if not needed for carpools. Two main issues are involved. The first (Criterion A) is whether the proposal will significantly lessen the overall desired character of the area. The second issue (Criterion B) is whether it complies with the Downtown Parking and Circulation Policy (DPCP). She showed slides of the site which has been vacant for two years and was formerly occupied by a two-story commercial building which has been demolished. The lot, which is now empty and graveled, occupies one-quarter of the block owned by applicant; the remaining three-quarters of the block is a surface parking lot. At the corner of 9th and Alder, the applicant proposes to erect a brick wall and install street vendors at the corner. She said the desired character in this part of downtown is dense and built-up with pedestrian-oriented activities at the sidewalk level.

Addressing the first issue, Ms. Selid said the Hearings Officer, in finding that Criterion A was not met, took her lead from the City Council's decision in a 1993 case and looked at the Code description of the desired character of areas within the CX zone. She found that development is intended to be very intense with high building coverage, large buildings placed close together and pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The description also calls for parking areas to be limited in size and not emphasized by the site design. The applicant states that the



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Hearings Officer did not correctly interpret the Code but Ms. Selid said she believes that interpretation was correct and that the Hearings Officer followed Council's intent, based on its earlier decision. The Hearings Officer found that the development as a whole must be considered, not just the one-quarter block. A whole block of parking is not limited in size but instead is the largest size possible within the confines of the street grid. It would dominate the character of the site and will overshadow the narrow landscaping and vending booths.

David Logsdon, Office of Transportation, said Transportation staff views a discounted carpool operation favorably and believes it would be a positive addition to the downtown carpool program. The proposal, they believe, conforms with the DPCP, particularly those elements that deal with new surface parking development. However, staff stopped short of recommending approval in its initial staff report because of Council's 1993 denial of applicant's prior proposal for this site. For that reason, they believe the subject for the appeal rests with Criterion A of the conditional use process.

Ms. Selid read the applicable approval criteria into the record.

Steve Siegal, consultant for the applicant, 3787 SW Lyle Court, said this is not the same proposal that Council denied in 1993, which was for commuter parking. He said, as now proposed, this lot would provide carpool parking with guaranteed deeply-discounted rates (50 percent lower than the going rate for commuter parking). The proposal allows it to be used for short-term parking when not used by carpoolers, consistent with the City's carpool strategy. While Council found that the 1993 proposal did not implement City parking strategies, both Transportation and the Hearings Officer have concluded that this proposal implements a City parking strategy and can be approved on that ground. In the first application, demolition of the building was a problem in terms of the DPCP but this is not an issue in this case. In addition, while the first application simply met basic landscaping requirements, this one substantially exceeds those required by the Code. He reviewed the other criteria for approval as a conditional use.

Chris Kopka, development director for the applicant, 715 SW Morrison, addressed the issue of whether the proposal significantly lessens the desired character of the area. He outlined the planned physical improvements to the property, which will extend to the whole block. The entire block will be brought to, or will exceed, the City's L2 landscaping standard. No new driveways will be added to access the properties. Perimeter landscaping with ground cover and trees is planned in addition to the street trees. A total of 41 Sunset

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Red Maple trees will be added, providing a continuous canopy of trees around all four sides of the block. To make the area more pedestrian friendly a brick screening wall, vendor stations, street furniture and bike furniture are planned at the corner of 9th and Alder. He noted an endorsement letter from the Friends of the Trees and letters of interest from two vendors.

Mr. Siegal said they believe, as do many neighboring businesses, that this project enhances the character of the area.

Frank Scott Matthews, representing the Portland Medical Center, 511 SW 10th, said the Center supports the proposal. It is in the process of upgrading its building and believes the character of the neighborhood and availability of parking is critical to its success. He said they applaud applicant's commitment to upgrading the landscaping beyond the normal requirements for the entire block. He disagreed with the Hearings Officer and said the proposal will significantly enhance the character of the area.

Richard Brandman, Assistant Transportation Director, METRO, 600 NE Grand Ave., said METRO supports the additional carpool parking spaces as a way of reducing single occupant vehicle travel, an important State and regional goal which will require every strategy possible to achieve. Because of the density of employment in the downtown, government has far greater authority to implement some kinds of strategies there than in other parts of the region. Carpooling is one of the more effective measures that can be implemented to reduce vehicle miles travelled and creation of a financial incentive is one of the best ways to achieve the desired result, helping to fill cars that are already on the road. He said all existing carpool spaces are being used and there is a critical need for more.

Tom Walsh, General Manager, Tri-Met, strongly supported the proposal. He said carpooling is a significant part of Tri-Met's marketing efforts, particularly downtown, and they believe this proposal makes good use of an available site. He said Tri-Met will be the exclusive marketing agency for these 54 new spaces. They know the demand is there, growing at about 30 percent a year, and there are waiting lists in some downtown garages. He also noted that the City's own garages give short-term parking a higher priority than carpools so some carpool spaces will be lost in favor of that higher priority. This proposal makes sense for everyone.

Commissioner Hales said it is unusual to have representatives of public agencies appear in a quasi-judicial land-use appeal. He said, however, this is not a transportation siting decision but a quasi-

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judicial land-use decision and must be decided on the basis of whether it meets the Code. The Code states that the CX zone is an area intended to be very intense with high building coverage, large buildings and buildings placed close together. He asked how a surface parking lot can meet that desired character.

Mr. Brandman said Metro sees a surface parking lot as an interim use. Their preference would be for a large development on the site but since none is foreseen, they would rather see something productive and helpful to the regional transportation strategy in the short term than have it remain in its existing condition.

Mr. Walsh said the increased density desired downtown will be achieved in incremental steps. He said he does not see a surface parking lot here three or four decades from now but that scale of development will not be reached overnight. As development patterns change downtown, they will see opportunities to make innovative uses of pieces of land. This is one of those opportunities.

Bill Naito, 15 NW Front, endorsed the carpooling strategy. He said his family owns the Galleria, to the south of this site, and he knows there are not enough carpooling spaces available to meet the need. He said Portland should follow Seattle's example and emphasize carpooling more. This is an interim use and there should be a high rise or structured parking building there but for now it is a great waste to have this quarter block sit vacant. Finally, the addition of more trees will also improve the ambiance of the area.

Julia Spilker, 921 SW Washington, supported the proposal on behalf of Leavitt Shea real estate services which is owner-manager of the Pittock Block building. She said the Pittock Block building is devoid of parking which creates a hardship in leasing and retaining high occupancy. This proposal will lessen their parking needs and any additional short-term parking spaces are also very desirable.

George Forbes, Manager, Governor Hotel, 611 SW 10th, said low-cost carpooling for his employees is an attractive option and there is also a need for more parking for hotel guests. Finally, he does not see how anyone could oppose having 49 trees in an area which has none now.

Lee Lacey, Downtown Community Association, supported the Hearings Officer's decision to deny the application.

In rebuttal, Mr. Siegal said the problem with the Hearings Officer's finding that this proposal is not consistent with the intended character of the neighborhood is that the DCPC allows surface

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parking lots. It cannot be correct to interpret the criteria in such a manner that a surface parking lot can never meet it. Second, the Hearings Officer found that if this quarter block was added to the remainder of the block, it would result in a full block of surface parking and that is inconsistent with the character of the area. The problem with that analysis is that Council has already approved several full block parking lots. He said the question is whether this proposal significantly lessens the character of the area. They certainly think it does not. The Hearings Officer erred in stating that the proposal did not comply with the Transportation goal. The Office of Transportation, in its report, did not indicate that it did not comply with the Transportation goal. The Hearings Officer found there was a carpool strategy, that the transportation system can handle the project safely, and that the proposal complies with the Transportation Planning rule.

Commissioner Kafoury moved to tentatively override the decision of the Hearings Officer and approve this proposal. Commissioner Blumenauer seconded.

Commissioner Blumenauer said this proposal is consistent with Transportation policies. It is also clear that the overall character of the area is not going to be significantly lessened as a result of this proposal and that, when economics dictate, the use will change. This will not be a parking lot in perpetuity but for the foreseeable future this use will improve the site and help achieve other City and regional goals.

Commissioner Hales said this is a close call for him. The key word is "significantly" in regard to lessening the character of the area and he noted the bias in the Central City Transportation Management Plan away from surface parking lots toward structures. Under the DPCP it would be excessive to interpret the CX zone to say one could not have a surface parking lot.

Commissioner Kafoury said this use will improve the character of the area significantly and the addition of greenery here is very appealing. This does not preclude the longer term development of the property to a higher use.

Commissioner Lindberg said he supports this proposal as more parking is definitely needed and because of the carpooling element supports DPCP and State transportation goals. It definitely, on an interim basis, improves the character of the area. Buildings will be developed when the market dictates. He said he likes the addition of the trees and the design.

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Michael Holstun, Senior Deputy City Attorney, said if the findings are scheduled to be voted on in two weeks, as proposed by the applicant, the 120-day statutory time must be waived. Steve Janik, applicant's attorney, waived the 120-day limit.

**Disposition:** Tentatively grant appeal and overrule Hearings Officer's decision. Applicant prepare findings for January 17, 1996 at 2 p.m.

At 2:55 p.m., the Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council