



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF JANUARY, 1996 AT 9:30 A.M.

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

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

Agenda Nos. 47, 48 and 49 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 33** Accept bid of Goodyear Tire & Rubber Co. for annual supply furnishing high speed pursuit tires for \$68,164 for two years (Purchasing Report - Bid 61A)

Disposition: Accepted; prepare contract.

- 34** Accept bid of Courtesy Ford for nine compact 4x4 sport utility trucks for \$200,400 (Purchasing Report - Bid 67)

Disposition: Accepted; prepare contract.

- 35** Accept bid of Halton Tractor for one excavator for \$144,290 (Purchasing Report - Bid 69)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- *36** Declare forfeited property at 9230 NE Hancock Drive to be surplus and authorize its sale and conveyance (Ordinance)

Disposition: Ordinance No. 169691. (Y-4)

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Commissioner Earl Blumenauer

37 Accept report and recommendations for the installation of a traffic signal located at SE Belmont and SE 50th Avenue (Report)

Disposition: Accepted.

***38** Contract with U.S. West Communications, Inc. for a Network Service Agreement that continues enhanced 9-1-1 services to the Bureau of Emergency Communications (Ordinance; waive City Code 5.32)

Disposition: Ordinance No. 169692. (Y-4)

Commissioner Charlie Hales

***39** Contract with G. R. Morgan Construction to construct park playground improvements at Custer Park for \$56,568 and provide for payment (Ordinance)

Disposition: Ordinance No. 169693. (Y-4)

Commissioner Gretchen Kafoury

40 Confirm appointment of Steve Entler and reappointment of George Van Hoomissen to the Taxicab Board of Review (Report)

Disposition: Confirmed. (Y-4)

***41** Grant permits to provide Specially Attended Transportation services in the city (Ordinance)

Disposition: Ordinance No. 169694. (Y-4)

***42** Increase contract for consulting services with Bentley Engineering Co. for Kerby Garage renovation for \$23,448 (Ordinance; amend Contract No. 28844)

Disposition: Ordinance No. 169695. (Y-4)

***43** Contract with Salvation Army for \$20,800 for emergency winter shelter and provide for payment (Ordinance)

Disposition: Ordinance No. 169696. (Y-4)

***44** Contract with Bureau of Labor and Industry for \$25,750 for civil rights enforcement and provide for payment (Ordinance)

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Disposition: Ordinance No. 169697. (Y-4)

- *45 Contract with Multnomah County Community and Family Services Division for \$554,169 and provide for payment (Ordinance)

Disposition: Ordinance No. 169698. (Y-4)

Commissioner Mike Lindberg

- 46 Accept contract with Trico Contracting, Inc. for the Clifgate sanitary sewer project as complete and provide for final payment (Report; Contract No. 29466)

Disposition: Accepted.

Mayor Katz read a proclamation in praise of Water Bureau employees for their work in ensuring uninterrupted water service through their timely repair of two conduits in the Bull Run damaged by a landslide.

REGULAR AGENDA

City Auditor Barbara Clark

- 47 Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending January 2, 1996 (Hearing; Ordinance; P0015)

Disposition: Passed to Second Reading January 17, 1996 at 9:30 a.m.

- 48 Assess property for sidewalk repair for the period ending September 27, 1995 (Hearing; Ordinance; Y1004)

Discussion: Dan Vizzini, Auditor's Office asked that this be continued to correct one of the assessments.

Disposition: Continued to January 17, 1996 at 9:30 a.m.

- 49 Assess property for sewer system development contracts of the Mid-County sewer project for the period ending December 12, 1995 and non Mid-County for the period ending December 12, 1995 (Hearing; Ordinance; Z0625, Z0626)

Disposition: Passed to Second Reading January 17, 1996 at 9:30 a.m.

Commissioner Charlie Hales

- 50 Accept the Planning Commission Recommendation for the Goose Hollow Station Community Planning Project (Previous Agenda 28)

Disposition: Accepted.

- 51 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 (Second Reading Agenda 29)

Disposition: Ordinance No. 169699 as amended. (Y-4)

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

Disposition: Resolution No. 35483. (Y-4)

Communications

- 53 Request of Margaret Deirdre O'Hartigan to address Council in order to propose an addition to the Code language prohibiting discrimination on the basis of sexual orientation (Communication)

Discussion: Margaret Deirdre O'Hartigan, 8410 SE 21st Avenue, asked for the inclusion of transsexuals and transvestites in the City's human rights ordinance. She said the need for this is demonstrated by the fact that she can be legally terminated from her job and evicted from her apartment for speaking before Council as an opening transsexual woman. She said she has been refused service at a Portland restaurant, denied an apartment and denied the same health care provided other women because of her transsexualism. She said both Minneapolis and Seattle have adopted ordinances prohibiting discrimination against transsexuals and in both cities she has successfully pursued charges of discrimination. Ms. O'Hartigan said Ben Merrill in Commissioner Kafoury's office told her that the City did not want to give further ammunition to the Oregon Citizens Alliance and Lon Mabon. She said the proper response to bigotry, however, is not to cower in fear but to reject intolerance. She asked Council to direct the Human Rights Commission to take testimony from transsexuals and transvestites and report those findings and making recommendations to the Council and City Attorney for remedial action.

Mayor Katz concurred with this request and asked Council to refer

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this to Commissioner Kafoury's office and ask her to direct the Metropolitan Human Rights Commission to hold hearings and report back to Council. Once those hearings are held, Council will proceed accordingly.

Disposition: Referred to Commissioner of Public Affairs.

At 9:50 a.m., Council recessed.

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WEDNESDAY, 2:00 PM

NOTE: This Council session was cancelled at the request of Commissioner Blumenauer.

- 54** **TIME CERTAIN: 2:00 PM** - Transmit results of the Access Advisory Task Force I-5 Southbound Access Alternatives Study Executive Summary and Recommendation and the I-5 Access Alternative Study Minority Report and Recommendations (Report introduced by Commissioner Hales)

Disposition: Continued to February 1, 1996 at 2:00 p.m. Time Certain

- 55** Accept the I-5 Southbound Access Alternatives Study report and recommendations of the Access Advisory Task Force and direct Office of Transportation staff to prepare recommendations to City Council for implementing the Water Avenue on-ramp project (Resolution introduced by Commissioner Blumenauer)

Disposition: Continued to February 1, 1996 at 2:00 p.m. Time Certain

- 56** Reaffirm commitment to "Prosperous Portland" economic development policy for Central Eastside target infrastructure development and give priority consideration to anticipated Central City 2000 Task Force development recommendations for the Central Eastside (Resolution introduced by Mayor Katz, Commissioners Hales and Lindberg)

Disposition: Continued to February 1, 1996 at 2:00 p.m. Time Certain

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH 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.

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TIME CERTAIN: 2:00 PM - Consider proposed amendments and staff recommendations for the Outer Southeast Community Plan (Previous Agenda 1977; introduced by Commissioner Hales)

Discussion: Jerry Brock, Bureau of Planning, reviewed the proposed amendments and corresponding staff recommendations, as outlined in the staff memo of January 9, 1996. Council members concurred with all staff recommendations except in the case of amendments No. 24 and 51.

Commenting on Amendment No. 1, Commissioner Hales said he believes an opportunity for more appropriate zoning at this location was lost earlier and, given that the area is no longer big enough to make a meaningful change, he believes the proposed CN2 zoning is a good choice as the zoning originally proposed would have had a disproportionate impact on the Gemelli property.

Regarding Amendment No. 10, Commissioner Hales said despite the desirable project proposed on this site, the City cannot do spot zoning and must zone for the least favorable possible outcome.

Concerning Amendment 51, staff is prepared to agree with the proposals made by the Hazelwood Neighborhood Association on Items 4, 5 and 6 and 13 and 14, for R2a and R5a zoning.

Commissioner Hales said the question here was how realistic is it to expect that this neighborhood would change or redevelop. It is a judgment call and, if Council accepts these amendments, it has deferred a little more to the belief that these fairly stable single-family portions of the neighborhood are not likely to redevelop.

Mr. Brock said the major difference between the position of the Glenfair neighborhood and staff is that staff is recommending that the Planning Commission's recommended zoning be imposed when the trigger makes the zoning go into effect. The Glenfair

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Neighborhood Association would rather have the "a" overlay zoning designation applied at that point.

Commissioner Hales said this is one of two remaining issues where perhaps more discussion is needed. The other concerns the Camp Fire property request. Both of these issues developed fairly late. He said he is perplexed about the Glenfair zoning. He believes the Planning Commission did the City a service by remaining true, in its recommendation, to City objectives for effective transit use and deciding to significantly upzone within a quarter, or (later) a half mile, for each of the transit areas. To a remarkable degree, particularly given the large number of transit areas in the Outer Southeast area, the City was able to reach agreement with residents about how that objective should be carried out. However, in this case, the City was unable to get that consensus result. Several options are available. He said originally there was a desire to remove the Glenfair area from the Plan but he has a problem with that since simply leaving the current zoning in this area will invite some pretty poor short term decisions by property owners and developers. On the other hand, that leaves the neighborhood with a high level of discomfort. As residents have pointed out, the increment of increased density is higher in this section of the Planning Commission's proposal than anywhere else. One possibility would be to return to staff's original recommendation, the proposed zoning as of February, 1995. This is a little closer to what the neighborhood requested but does not have the triggering mechanism that made people uncomfortable. That idea could be taken up by Council, coupled with some further work in the community. These solutions can be mixed and matched. Council could either take this section out of the Plan for further work, adopt the Planning Commission's recommended zoning, or try to craft a hybrid solution. He asked for input.

Mayor Katz said staff did a remarkable job with the community and neighborhood associations, noting that when the City first approached this area, there was total rebellion. She said she is disturbed that a small section of the community has not had the same amount of time spent on it because it was such a late addition to the City. She asked Paul Sebastian, Planning Bureau staffperson, how long it would take to work through the issues raised in this particular area.

Paul Sebastian, Planning Bureau, said perhaps a month and a half. He said they have not started yet in this area as staff felt the process would take too long.

Mayor Katz said she would prefer to set this area aside and continue to work with the neighborhood or else craft a hybrid solution by going

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back to the original staff proposal and giving staff a reasonable time line for coming back with a recommendation for final adoption.

Commissioner Kafoury said she is not comfortable leaving the Glenfair area out of the plan entirely.

Commissioner Lindberg said he would prefer a hybrid approach.

Ellen Ryker, Planning Bureau, said it took a long time to work through the issues in Centennial and Hazelwood and staff did not have the time to negotiate with Wilkes and Glenfair on the same level.

Michael Harrison, Planning Bureau, said if Council wants staff to bring this back after additional work, a specific date should be set as a target, possibly two months from now.

Mayor Katz asked if they would fall back to the staff recommendations during this period.

Mr. Harrison suggested deferring action on updating the Comprehensive Plan in this study area for the interim period but to go ahead and take action on the rest of the Outer Southeast Community Plan by the end of this month. The zoning currently in place would remain during the interim.

Commissioner Hales said that would be okay if the interim is that short.

Mr. Harrison said in two months staff should be able to determine if a compromise with the neighborhood is possible and bring it back to Council. He said the only thing that would be delayed would be the Comprehensive Plan Map and zoning designations in the area between 148th and the City limits, and Glisan and Stark.

Commissioner Hales said this means rescheduling another legislative amendment to the Comp Plan in that area.

Mr. Harrison said yes, but it would rely on the current history of the recommendations and the Planning Commission hearings. Staff would be able to return directly to Council rather than having to go through a complete legislative process.

Commissioner Blumenauer said he has no problem spending more time in this area. He is concerned by the level of misinformation asserted by some members of the community which is significantly at variance with reality. He said it is important to send a signal that

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this area is qualitatively different from others in the plan. A lot more work has been done in some of the other neighborhoods. There is more of a blank slate here and the stakes are very high in the rail corridor in terms of the investment that is being made to allow the City to achieve its transit and density objectives. He knows changes and adjustments were made in other neighborhoods where there seemed to be more latitude in trying to build community consensus. He would like to achieve consensus here too but Council has to be prepared to accept that some fundamental conflict may not be overcome. However, he is comfortable moving forward with everything else and fast-tracking this.

Mayor Katz asked the neighborhood representative if they were comfortable with this.

Susan Booker, Chair, Emerging Glenfair Neighborhood Association, said she hopes they can return to Council in two months and that all parties will come together with open minds.

Mayor Katz said that means a lot of work in a relatively short time, both for citizens and staff.

Commissioner Hales said he is comfortable with that solution. He said staff worked hard to balance the Planning Commission's strong desire, encouraged by Council, to make sure that the station areas were zoned for intense development, with neighborhood objectives. Obviously, existing neighborhoods must be respected, however, and that makes for a hard balance to strike.

Commissioner Hales asked about the Camp Fire property amendment request for a zone change from Open Space (OS) to R10.

Mayor Katz noted that it was not included in the proposed amendments package.

Commissioner Hales said that is because it came in too late and he does not know exactly how to proceed with it but does not want it to slip by.

Mr. Brock said staff believes the original OS zoning is correct and should be retained. It fits in with the vision sought for this area.

Commissioner Hales said he is particularly concerned, from a Parks standpoint, about retaining OS zoning on property not in the public domain. He said he understands Camp Fire is currently negotiating with Metro for sale of this property and, if that succeeds, the OS designation makes perfect sense. But if that is not successful, he is

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reluctant to have OS placed on a piece of property the community was not planning to purchase. He is operating on the belief, perhaps at variance with the Bureau's interpretation, that the OS zone is really a PS (Public Space) zone and is intended for public use. This parcel is not a campground anymore and this zone designation could put the owner in the position of having to return for a quasi-judicial zone change request. He asked how that would be considered in light of the plan.

Commissioner Blumenauer said he believes there are other purposes for OS as well as tax implications for private property.

Mr. Harrison said OS zoning was placed on this property when it was in use as OS. It was arguably appropriately placed. He said the property owners, after the conclusion of the Outer Southeast planning process, asked Council to intervene and take a quasi-judicial action. He said since staff has not had a chance to review this, it would be best to resolve this through a quasi-judicial process that involves notice and a hearing before the Hearings Officer and the opportunity to come to Council with a complete analysis. He said this is a very new issue involving a property owner who is using the property for an allowed use in its base zone but has decided that it wishes to use it for something else and would like a Comprehensive Plan map amendment and zone change to accommodate that.

Commissioner Hales asked how general plan provisions apply in such a setting. He said he is concerned that the City has a vision plan which identifies this as a key resource and potential addition to the Parks system. But, in reality, funds are available to purchase only a tiny portion of it. Acquisition is a valid aspiration but, in terms of resources, it is a distant possibility in the near term. He said he would not want to adopt a general plan provision that hobbles a property owner's options when the community is not able to purchase it.

Mr. Harrison said staff is being very careful to make sure that the aspirational aspects of this and other community plans that call for the creation of additional Open Space are not adopted by the Council in any way that will impinge the ability of private property owners to use their property at any time up until the public is able to acquire ownership. The nature of the adoption will be to approve by resolution the concept of a Forest Park East and let the public know that, if this is successfully achieved, it will be positively received by Council. It is not a limitation on use of the property.

Commissioner Blumenauer said, to the extent the City hopes to realize this dream, the continuing OS designation makes it more

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likely in terms of acquisition, a land trade, etc.

Commissioner Hales said most of the property in the vision plan is zoned R10, not OS.

Mr. Harrison said Forest Park East is only a concept and all Council is being asked to do now is approve it as a good concept. He said it would encompass roughly 900 acres, lining up Powell Butte and the Mt. Scott cemetery complex.

Commissioner Hales said with that clarification he feels comfortable waiting for a quasi-judicial proposal if the purchase does not go through.

Returning to Amendments No. 24 and 1, Commissioner Blumenauer said here the City has been working diligently in a recently-annexed area which provides some unusual opportunities but also some concerns about building confidence in the community. He said Item 24, regarding 122nd and Division, presents one such opportunity. This amendment was not requested by anyone during the hearings process and was not reviewed by the Planning Commission. Council is also not taking public testimony on it today. Regarding Amendment No. 1, he recalled Commissioner Hales' earlier statement, after looking at the huge CG parcel across the street, that an opportunity may have been lost here. In some cases, Council has taken arguably watered-down positions in order to build community acceptance for a whole host of other things in this and subsequent plans. He senses a little dissonance here in terms of what Council did, massaging some issues at great length and then accepting less than what they theoretically wanted. In this case, taking action at the final hour without giving people proper time to testify, is not the correct way to build consensus and is inconsistent with what has been done elsewhere. One property owner in this area has worked with the City on two locations, including the 72nd and Sandy site, a massive redevelopment which is a model for housing.

Mayor Katz said this is a legitimate issue and asked why staff felt it was necessary to propose this amendment without going through the normal process.

Mr. Harrison said at the beginning of the Council hearings process, Council asked staff if there were any opportunities in this area which might have been missed during the planning process that should be brought to its attention since this might be the last chance to consider them for 20 years. He said staff has discussed many different proposals and a variety of zoning designations for this area over the past three years. They looked at this area once again, partly

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in light of the recent adoption of the Metro 2040 Plan which was not available earlier. They realized that the intersection at 122nd and Division is a key location in Outer Southeast, a place where two main streets and two major City transit streets cross. Staff felt the zoning approved by the Planning Commission was essentially auto-oriented in a designated transit-oriented hub and that this discontinuity between its recommendation and the 2040 Plan should be brought to Council's attention. The other situation, with the Rose Moyer complex at 162nd and Division, is another discontinuity but that did not attract their attention to the same degree because it is not the same kind of intersection. While they were concerned about putting this on the table at the last minute, they felt this responded to Council's direction and, to make sure this was not a total surprise, all affected property owners were notified in time for the December Council hearings. It would be reasonable to go with the Planning Commission recommendation but since that zoning will be in effect for another 20 years, staff felt one last look was worthwhile.

Commissioner Hales said perhaps not all the lost opportunities have been found but this is a significant one. Some people in that area still have concerns and that is to be accepted. He said if one looks at the area of partially developed CG around 82nd and the Banfield, where the recommendation is for Storefront Commercial zoning, and then looks at the area addressed in Amendment No. 9, that seems to be appropriate zoning here also, especially if the City remains true to the emphasis on main streets and neighborhood-gathering places contained in the 2040 Plan. He said the City ought to give people ample opportunity to participate in a public process and that is why it was important to notify people about the hearings. The Moyer Theatre was never identified, except by himself, as an opportunity site and was never put on the table. This one was.

Commissioner Blumenauer said he sees a significant difference between Amendment No. 9, which is right on top of a MAX station on NE 82nd, and 122nd and Division, where there was a major redevelopment just a few years ago. He said he has no problem making a change immediately adjacent to a MAX station. This is more analogous to 162nd which is a four-lane street both ways, including the north/south street which goes to a MAX station. He said he sees the site at 162nd and Division as being much less intensively developed than 122nd and Division, providing an opportunity to do a lot more than just have a trailer park, a drive-in theatre and school grounds. It is important to identify potential opportunities but since that request was made to the Planning Bureau, the zoning has been watered down in some cases to accommodate consensus. This seems to be somewhat at variance with what the City is doing in the rest of the area.

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Commissioner Lindberg said he leans towards Commissioner Blumenauer's position as he believes the change and notice process was too abrupt.

Commissioner Hales noted the options for Council action, including voting on the entire package or setting some things aside. He moved the staff recommendations as modified as he believes a near consensus has been reached on the rest of the package. He said he still supports this proposed change but would agree to setting it over for additional time if Council wants.

Mayor Katz said she would accept that motion unless someone wanted to pull out one of the proposed amendments. She said that still leaves an opportunity at the time of the hearing to make further adjustments.

Commissioner Blumenauer said he would like to vote to accept the staff recommendations on the proposed amendments as a package except for No. 24. Commissioner Hales withdrew his motion and Commissioner Blumenauer moved his. Commissioner Hales asked if his motion would set aside Amendment 24 or restore it to CG.

Commissioner Blumenauer said he does not feel comfortable moving forward with it at this time and would prefer to set it aside and hear from people first. The motion carried. (Y-3; N-2, Hales and Katz)

Mayor Katz asked what effect this will have.

Commissioner Hales said Amendment 24 could be brought back at the final hearing, noting that there was no zoning proposal for that area.

Mr. Brock said at the final hearing Council will vote on the adoption instruments -- the ordinances amending the Zoning Code and the Comprehensive Plan maps.

Commissioner Lindberg said he thought this was supposed to be the final hearing for voting on the amendments.

Mayor Katz noted that one neighborhood association has been given a two-month extension. She said she is also uncomfortable with the lack of notice and shortness of time given the business association and suggested that staff work on Amendment No. 24 during this same two-month period to see what it can come up with. It may come back with nothing different but at least some more time will be spent working this through.

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Council agreed that this was a good solution.

Commissioner Hales moved the staff recommendations, amended as of January 9, 1996, with the exception of Amendment No. 24 and the Glenfair portion of the Wilkes Community (Amendment No. 51). Commissioner Kafoury seconded and the motion carried. (Y-5)

Mayor Katz noted that these two issues would return to Council in the next two months. She complimented staff for its excellent work.

Disposition: Staff recommendations accepted as amended. (Y-5)

At 3:35 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council