



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF AUGUST, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

Agenda No. 1324 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1305 Accept bid of Consolidated Electrical Distributors, Inc., for Sullivan Pump Station adjustable frequency drive retrofit for \$402,533.04 (Purchasing Report - Bid No. 143)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

1306 Confirm reappointments of Jack Benson and Al Elkins to the Towing Board of Review (Report)

Disposition: Confirmed.

1307 Authorize petition to Multnomah County, Oregon Circuit Court to review decision of Civil Service Board dated May 2, 1990, as amended on June 4, 1990, and made effective on June 4, 1990, granting appeal of Fred S. Duckett, Jr. from his discharge as an Asphalt Raker in the Bureau of Maintenance (Resolution)

Disposition: Resolution No. 34756. (Y-4)

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- * 1308 Pay claim of Clifford Parrett, Jr. (Ordinance)
Disposition: Ordinance No. 163304. (Y-4)
- * 1309 Authorize an agreement with Security Pacific Bank Oregon for paying agent and registrar services (Ordinance)
Disposition: Ordinance No. 163305. (Y-4)
- * 1310 Authorize the General Fund to temporarily borrow money from the Street Lighting, Sewer System Operating, and Water Operating Funds to meet cash flow needs of the City in excess of the proceeds from the sale of Tax Anticipation Notes (Ordinance)
Disposition: Ordinance No. 163306. (Y-4)
- * 1311 Authorize the issuance and sale of Tax Anticipation Notes, Series 1990, in an amount not to exceed \$15,000,000 (Ordinance)
Disposition: Ordinance No. 163307. (Y-4)
- * 1312 Authorize a temporary loan not to exceed \$6,000,000 from the General Fund to the Fire and Police Disability and Retirement Fund as needed to meet current expenses until tax monies become available (Ordinance)
Disposition: Ordinance No. 163308. (Y-4)

Commissioner Earl Blumenauer

- 1313 Accept completion of NE 108th Place and NE Everett Street Sanitary Sewer and make final payment (Report; Contract 25861)
Disposition: Adopted.
- * 1314 Amend Ordinance No. 163123, which corrected the legal description on property on the north side of SW Barbur Boulevard, at the 7500 block, from R7D, Residential, to C2SD, Commercial, with Sign and Design Review Overlay zones, to further correct the legal description. (Ordinance; 7936PA)
Disposition: Ordinance No. 163309. (Y-4)
- * 1315 Accept a sewer easement for the Fanno Creek Pressure Sewer Replacement Sewer Project, granted by the Tualatin Hills Park and Recreation District of Washington County, Oregon, authorizing total payment of \$2,500 (Ordinance)
Disposition: Ordinance No. 163310. (Y-4)

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* 1316 Call for bids for the Columbia Boulevard Treatment Plant Chlorination System, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 163311. (Y-4)

* 1317 Grant a revocable permit to Hamilton Events, Inc., to maintain banners on street light poles from August 13, 1990 to September 17, 1990 (Ordinance)

Disposition: Ordinance No. 163312. (Y-4)

* 1318 Grant a revocable permit to Waterfront Classics Inc., to maintain banners on street light poles from August 13, 1990 to September 7, 1990 (Ordinance)

Disposition: Ordinance No. 163313. (Y-4)

* 1319 Grant a revocable permit to Sullivan's Gulch Neighborhood Association to hand banners across NE Broadway between 15th and 16th, at 32nd and Broadway, and on the east side of Multnomah, east of 21st Avenue (Ordinance)

Disposition: Ordinance No. 163314. (Y-4)

* 1320 Authorize intergovernmental agreement between the Tri-County Metropolitan Transportation District (Tri-Met) and the City of Portland for construction of a sidewalk extension along the east side of NE 11th Avenue in conjunction with the Vintage Trolley Project (Ordinance)

Disposition: Ordinance No. 163315. (Y-4)

* 1321 Authorize agreement with the Oregon Department of Land Conservation and Development to conduct land use planning and urban growth management studies at a cost of \$60,000, and provide for payment (Ordinance)

Disposition: Ordinance No. 163316. (Y-4)

Commissioner Mike Lindberg

* 1322 Authorize agreement for expert cable television financial analysis services and provide for payment (Ordinance; waive City Code Chapter 5.86)

Disposition: Ordinance No. 163317. (Y-4)

* 1323 Call for bids to rehabilitate the needle valves at Bull Run Dam #1, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 163318. (Y-4)

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City Auditor Barbara Clark

- * 1325 Extend and improve financial audit contract with Coopers & Lybrand, CPAs for FY 1989-90, limited to \$121,000, and authorize payment (Ordinance)

Disposition: Ordinance No. 163319. (Y-4)

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- * 1324 Authorize an agreement with the Friends of Performing Arts to co-sponsor a Children's Theater program through the Park Bureau's Performing Arts Division, and transfer funds within the General Fund from Unforeseen Reimbursables to the Bureau of Parks (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said this needed to be taken off the Consent Agenda because it transferred funds.

Disposition: Ordinance No. 163320. (Y-4)

- 1301 **TIME CERTAIN:** 9:30 AM - Express the City Council's intent to be a national and international environmental leader and declare an annual Earth Day celebration on April 22nd (Resolution introduced by Commissioner Blumenauer and Commissioner Lindberg)

Discussion: Commissioner Blumenauer said the City cannot afford a business-as-usual attitude regarding environmental issues and that this resolution will put the City on record as an environmental leader.

Commissioner Lindberg said what was said on Earth Day will be meaningless without tremendous follow through.

Dave Campbell, Maintenance Bureau, showed slides demonstrating current methods and machinery the City is using to recycle asphalt, concrete, sand and leaf debris.

Barbara Krieg, Maintenance Bureau, described the wildflower planting test project the City has initiated along designated roadsides.

Bob Post, Tri-Met, said we need to encourage alternatives to automobiles in order to avoid some of the negative impacts of growth. He urged passage of the bond measure on the November ballot which will provide a means of funding the West Side light rail project and provide for preliminary work for the Clackamas County line. He said passage will allow the region to obtain a \$7,000,000 federal matching grant.

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Bob Shoemaker, State Senator, said the Tri-Met measure is extremely important and also applauded efforts to increase the use of non-bleached paper. He suggested that the City collect names of those wishing to stop junk mail and forward them to the purveyor instead of having everyone send a post card.

Dan Saltzman, Energy Commission Chair, said the goal of the new Energy Policy is to increase energy efficiency by ten percent by the year 2000. He described some of their efforts regarding weatherization programs, establishment of apartment recycling centers and the conversion of five City vehicles to compressed natural gas.

Judy Wyers, Metro Councilor, supported the idea of an annual Earth Day, and said public response to Metro's hazardous waste disposal program has been phenomenal.

Jeanne Roy, speaking for her husband Dick Roy, reported on the coalition of over thirty law firms formed to share ideas about environmentally sound measures they can adopt.

Quincy Sugarman, OSPiRG, urged passage of the Oregon Recycling Act which will reduce excess packaging and improve the recycling rate.

David Kish, General Services Director, said 131 tons of office waste paper was recycled by the City in a one-year period, saving 2200 trees and \$6,200 in dumping fees.

Charles Jordan, Superintendent of Parks, said recycling is the key and described plans for educational programs for children at Park Community Centers. He also urged efforts to increase the number of minorities involved in environmental issues.

Tom Novich, Citizens for Cloth Diapers, cited Metro's resolution on the use of cloth diapers and asked the City to look at ways to complement that action.

Jeanne McKeever, Water Bureau, described efforts to create a water conservation ethic and said they hope to bring a long term conservation plan to Council in 1991.

Jean Cameron, Oregon Environmental Council, suggested using return envelopes to return junk mail so that additional paper is not used. She said the Council is working on a Comprehensive Clean Air proposal aimed at six major pollutants.

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Virginia Van Haugen, First Interstate, cited the two cent deposit on grocery bags, elimination of polystyrene peanuts at Norm Thompson, First Interstate's \$15 per month subsidy for employees who use public transit, and the creation of drop off boxes for hard to recycle products at Payless as examples of steps business has taken recently to deal with environmental issues.

Sally Cross, Chairman, Environmental Federation of Oregon, described this new coalition of fifteen environmental groups which has formed to solicit employee contributions.

Barbara Workman, 40-Mile Loop activist, said we need to establish an etiquette for how we treat places.

Bruce Walker, Environmental Services, described the apartment recycling shelters program and neighborhood outreach programs that encourage recycling and precycling. He said they are preparing recommendations regarding curbside recycling.

Mary Nolan, Director, Environmental Services, spoke about the expansion of Tryon Creek Wastewater Treatment plant, a part of the Clean Rivers project. She read a statement from Lake Oswego City Manager Peter Harvey commending Portland's participation in the plan.

Gene Appel, Tryon Creek Wastewater Treatment Plan Project Manager, stressed the collaborative efforts involved in development of the plan. He said the plan provides a tool that can be used in decision making by providing both a technical and cost benefit basis for each of the implementing steps that need to be taken. Mr. Appel said the next expansion will be in the neighborhood of \$18,000,000 or up, depending on the level of treatment required.

Bob Stacey, Planning Bureau Director, said environmental factors such as energy conservation, use of public transit and housing density will be incorporated into the Code rewrite. The Bureau will also complete an environmental zoning overlay project this year and has initiated protection programs for Balch and Johnson Creeks.

Disposition: Resolution No. 34757. (Y-4)

1302 Encourage the citizens of Portland to take part in a City wide effort to reduce the volume of scrap paper created by junk mail (Resolution introduced by Commissioner Blumenauer)

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Discussion: Commissioner Blumenauer distributed postcards to Council members to use to request that their junk mail be stopped. He said they also hope to change the economics so that those who mail hard-to-recycle materials will pay more.

Mayor Clark said he dislikes junk mail and will vote for this measure but that we need to be careful in the future because one person's junk mail is not another person's junk mail. He noted City notices and political mailings.

Disposition: Resolution No. 34758. (Y-4)

- 1303 Accept annual Recycling Report for FY 89/90 as requested by Ordinance No. 161520 (Report introduced by Commissioner Koch)

Disposition: Adopted.

- 1304 Direct the Bureaus of Environmental Services, Purchases and Stores, and General Services to evaluate the City's use of recycled paper and prepare recommendations to the Council on how the City can increase the use of recycled, unbleached and non-chlorine bleached paper products (Resolution introduced by Commissioner Blumenauer)

Disposition: Resolution No. 34759. (Y-4)

Council agreed to move Agenda Items #1330 and #1339 ahead and testimony about them was included as part of the Earth Day update presentation.

- 1330 Recommend Council accept the Tryon Creek Wastewater Treatment Plant Facility Plan, a project of the Clean River Program of the Bureau of Environmental Services (Report)

Disposition: Adopted.

- * 1339 Authorize an agreement between the City of Portland and Community Energy Project, Inc., for \$26,000 to administer the marketing/education component of the Block-By-Block Weatherization Project, and authorize payment (Ordinance)

Disposition: Ordinance No. 163321. (Y-4)

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- * 1326 Provide for time and manner of improving an alley in Block 17, Westover Terraces (Hearing; Ordinance; C-9725; introduced by Commissioner Blumenauer)

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Discussion: Cay Kershner, Clerk, said the City Engineer's report asks that this project be postponed for a year. Council so ordered but the Clerk added that Karin Rabiner, Environmental Services, had also requested a no vote on the ordinance itself.

Disposition: Failed to pass. (N-4)

- * 1327 Provide for time and manner of improving SW Coronado Street from the center line of SW 43rd Avenue to the center line of SW 45th Avenue (Hearing; Ordinance; C-9723; introduced by Commissioner Blumenauer)

Discussion: Mayor Clark asked if anyone was to be heard. There were no responses.

Disposition: Ordinance No. 163322. (Y-4)

Mayor J. E. Bud Clark

- * 1328 Amend Section 5.08.140 of the Code to authorize voluntary payroll deductions for the Portland Police Memorial Association (Previous Agenda 1297)

Discussion: Mayor Clark said the process needs to be straightened out and asked that this be referred to his office.

Disposition: Referred to Commissioner of Finance & Administration

- * 1329 Authorize acceptance of a contract from the State of Oregon Long Term Care Ombudsman Office in the amount of \$21,631 to implement a pilot project designed to increase the LTC Ombudsman's ability to provide direct services to adult foster care residents (Ordinance)

Disposition: Ordinance No. 163323. (Y-4)

Commissioner Earl Blumenauer

- * 1331 Pay claim of Great Western Bank, subject to the dismissal of suit by the Multnomah County Circuit Court. (Previous Agenda 1275)

Disposition: Ordinance No. 163324. (Y-4)

- 1332 Grant a revocable permit to Lisa Roegner, on behalf of the Shadow Project, to place certain images on public sidewalks on August 6, 1990 (Second Reading Agenda 1288)

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Discussion: Commissioner Blumenauer said another alternative has been worked out and asked that this item be referred back to his office.

Disposition: Referred to Public Works Commissioner

1333 Repeal Ordinance No. 161561; adopt fundamental design guidelines for the Central City Plan Design Zones, and direct the Design and Landmarks Commissions to use these guidelines. (Second Reading Agenda 1295)

Discussion: Leo Williams, Planning Bureau, presented an amendment to include some language in the ordinance in the Guidelines themselves. Commissioner Bogle moved that the amendment be approved. On a second by Commissioner Lindberg, the motion carried. (Y-4)

Kathryn Imperati, City Attorney, said that since the amendment did not involve a substantial change, the ordinance did not need to be continued another week for a second reading as amended.

Disposition: Ordinance No. 163325 as amended. (Y-4)

Commissioner Dick Bogle

* 1334 Contract with Konell Construction for \$147,274 to demolish the structure at 5-13 NE 3rd Avenue, also known as the Bridgeport Hotel, and provide for payment. (Ordinance)

Discussion: Commissioner Bogle said Margaret Mahoney from the Bureau of Buildings was present to answer questions.

Mayor Clark said he was ready to vote and that he was very pleased to see this come forward.

Commissioner Blumenauer said he was ready to take a hammer and go down and help.

Margaret Mahoney, Bureau of Buildings Director, said this has been a dangerous building proceeding for over a year and that we now are one step away in the legal process from going forward.

Disposition: Ordinance No. 163326. (Y-4)

Commissioner Mike Lindberg

1335 Grant a franchise to Electric Lightwave for a period of ten years. (Second Reading Agenda 1164)

Disposition: Ordinance No. 163327. (Y-4)

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- * 1336 Accept and transfer a \$12,000 grant from the National Endowment for the Arts Locals Program (Ordinance)
- Discussion:** Commissioner Lindberg said this and the following ordinances are part of an arts outreach program to senior citizens to be paid for with grants from four foundations.
- Disposition:** Ordinance No. 163328. (Y-4)
- * 1337 Accept and transfer a \$5,000 grant from the Collins Foundation to the Metropolitan Arts Commission (Ordinance)
- Disposition:** Ordinance No. 163329. (Y-4)
- * 1338 Accept and transfer a \$3,000 grant from The Rose E. Tucker Charitable Trust to the Metropolitan Arts Commission (Ordinance)
- Disposition:** Ordinance No. 163330. (Y-4)

City Auditor Barbara Clark

- 1340 Assess construction of Knott Park Sanitary Sewer (Hearing; Ordinance; C-9683)
- Discussion:** Ralph Hillman, 11916 NE Spargo Street, asked for an itemized breakdown of the charges, adding that he had already paid the service charge once.
- Ronald Ballard, Hoodspport, Washington, said he and his wife have a flaglot in the sewer district and he was reiterating their earlier request not to be charged for a second lateral.
- Commissioner Blumenauer said staff was present in Council to meet with them about their concerns and see if some resolution could be reached.
- Mayor Clark said he would be absent Thursday and not able to hear testimony on the Airport Way (Columbia South Shore) Urban Renewal plan amendment but commended both the Planning Bureau and Portland Development Commission for their work on it.
- Disposition:** Passed to second reading.
- At 11:55 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF AUGUST, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

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

REGULAR AGENDA

- 1341 Appeal of Jeff Champion against decision of the Planning Commission to uphold the Planning Director's interpretation of the zoning code for the proposed apartment project at SW Second and SW Hooker. (Hearing; Int 5-90)

Discussion: Doug Warren, Planning Bureau, said Mr. Champion brought three issues of interpretation to the Planning Commission but that only one of them, the granting of fee waivers on appeals, is to be dealt with by Council today. He said the Planning Commission saw a difference between applications, where the Code specifies fee waivers, and appeals, where it does not. He said the Commission believes that a valid route of appeal is available through neighborhood associations for those who cannot afford to pay appeal fees. He said the Commission thought the City could clarify the issue in the Code rewrite but that they did not believe fee waivers on other people's appeals of land use applications should be allowed.

Commissioner Lindberg asked if the other two issues would come back to Council if the fee waiver was granted.

Mr. Warren said the appeal periods have passed for this project and they cannot be retroactively opened.

Paul Norr, Attorney appointed to represent Mr. Champion, said Planning staff had taken the narrowest possible view of the application and relied on a non-existent City Attorney's opinion to deny the fee waiver. He said Council needs to take a broader view and rule that an appeal also qualifies as an application.

Commissioner Lindberg asked why Mr. Champion did not go to his neighborhood association.

Mr. Norr said he could have but this was not really a neighborhood issue and asked why an indigent person should have to do this just because they cannot afford to write a check.

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Tim Ramis, Attorney for Michael Diamond and other owners of the property at SW Second and Hooker, said there is a clear difference between an application and an appeal in the existing Code and that an alternative remedy, approaching the neighborhood association and asking them to file an appeal, was available. He said he was also concerned with the potential retroactiveness of this and whether an interpretation favorable to Mr. Champion would open this up again even though the appeal deadline had passed.

William Cox, Lair Hill resident, said granting the appeal would open up a range of possibilities for land use appeals which no one in the land use area would like to see happen. He said Mr. Champion owns his own home and is not without means or remedies.

Laura Campos, Chair of District Advisory Council for Lair Hill, said urban renewal is occurring on the backs of the poor and people of color and that they need a guaranteed right to be heard. She said the Corbett Terwilliger Lair Hill Land Use Subcommittee and Southwest Neighborhood, Inc. did endorse fee waivers for low income individuals and she requested a postponement because affected parties had not been notified.

Gary McKay, 3419 SW 1st and CTLH Board member, said it is unfair to expect low income people to go to their neighborhood associations, especially in complex, time-consuming issues.

Charles Hales, Homebuilders Association of Metropolitan Portland, said charging fees on appeals provides a needed threshold that will block the filing of frivolous appeals.

Barbara Bernstein, 2818 SW 1st, said having the right to exercise democratic rights as Jeff Champion is trying to do is very important to other residents who are trying to halt unbridled development in the neighborhood. She said the neighborhood association is too large and has too much to deal with already to take the time to address these concerns.

Dorothy Payton, 2905 SW First, a resident and a designer on the project, asked that the neighborhood process be upheld.

Jeff Champion, appellant, said this interpretation goes beyond him and negatively affects every low income person in the City. He said he thought the other two issues he raised in his appeal, for which he borrowed \$250 to file, were going to be dealt with also.

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Mayor Clark said in legal issues you have to segregate things into one issue at a time.

Mr. Norr summarized Mr. Champion's position, stating that it was not practical or timely to go to the neighborhood associations, that standards exist in the Code to determine low income and that under this narrow interpretation of the Code, indigent developers would be eligible for fee waivers while indigent opponents would never be.

Mayor Clark asked if the Code differentiated between an application and an appeal.

Kathryn Imperati, City Attorney, said the Code does outline the difference and she believes the Planning Commission's interpretation would be sustained if appealed. She said any vote taken today should be tentative until findings are submitted.

Commissioner Blumenauer said he would vote no to deny the appeal because he believes there is a difference between an appeal and an application. He said Council repeatedly sees pit bull cases where people play technical games that abuse the system.

Commissioner Bogle said he believes that absent different language in the Code, a narrow interpretation is appropriate.

Commissioner Lindberg said he agrees with the Planning Commission and City Attorney and believes policy questions can be addressed in the Code rewrite.

Mayor Clark said there is a great cost to the City in these appeals and some threshold needs to be established.

Disposition: Appeal Denied Tentatively (N-4). Prepare Findings for August 15, 1990 at 2:00 p.m.

1342 Appeal of Whitaker Street Corp., applicant, against decision of the Landmarks Commission to deny request for new window proportions and second story balconies on the south facade at 111 SW Hooker Street (Hearing; HLDZ 67-89)

Discussion: John Southgate, Planning Bureau, said this is a process issue which questions revisions okayed by Planning staff after the concept drawings had been approved.

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Ernest Goble, 821 NW Flanders, architect for the project, said it is rare to have no changes from the concept plans and that they believed they correctly followed the guidelines when they asked for changes in the positioning of the window bars and adding the second floor balconies. He said all but two changes they requested were approved by Planning staff.

Mr. Goble said they do not want to be punished for following unclear rules. As a compromise, he offered to replace the four main windows with ones that have bars six inches below the center, rather than twelve inches. He asked for immediate approval in order to meet closing deadlines.

Laura Campos, District Advisory Council for Lair Hill, said John Southgate slipped in the changes after the DAC and the developer had signed an agreement of approval on specific plans. She said they believe, and the Landmarks Commission agreed, that these changes make it a totally different project.

Esther Shulhaus, 2825 SW 1st Avenue, said the new buildings enhance the neighborhood and she is very happy to have three new houses on the tax rolls.

Barbara Bernstein, 2818 SW 1st Avenue, said those involved feel betrayed because they thought an agreement had been reached about what kind of rowhouses would be built and instead they have ended up with something quite different.

Donna Davis, 2930 SW 2nd Avenue, said this is the old story of settlers versus the cattlemen and unfortunately the settlers relied on the developers' word.

John Tess, 123 NW 2nd Avenue, said he believes the current process works correctly. He said the neighborhood did not seek a historical designation because they did not want design controls on them. He said it is quite common to have changes and these are relatively minor.

Paula Barnes, 1520 SE Main, Apt. B, a purchaser of one of the row houses, said they held an open house and got the signatures of many who supported the houses as built.

Ray Moore, 1520 SE Main, Apt. B., also one of the buyers, said he thinks the houses fit the neighborhood and that this process is becoming too costly.

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Richard Sanders, Attorney for Whitaker, Inc., said the changes clearly conform with the Lair Hill Conservation District design guidelines and the developer should not be penalized if there is a flaw in the review process.

Richard Beam, also a row house purchaser, said it is ironic that Mr. Champion, owner of an historic home in the neighborhood, can make all sorts of changes without a design review requirement.

Gary McKay, 3419 SW 1st Avenue, said the Landmarks Commission was concerned with the degree and number of changes between the plans they approved and the building as built. He said Mr. Southgate took too liberal an approach to the changes.

Jeff Champion, 3419 SW 1st, said the District Advisory Council did not have appeal rights under the Code and so required an individual appeal. He said he notified the City of the violations in plenty of time for stop work orders to be issued and said there is a problem of things being bypassed away from the neighborhood. He added that Mr. Southgate went beyond his authority in approving the changes.

Commissioner Blumenauer and Bogle asked for clarification as to what the DAC approved.

Mr. Southgate said the District Advisory Council did approve on a split vote the placement of the window bars and the balconies but did not hear a number of the minor changes such as the downspouts. He said staff found that this proposal even as modified does meet conservation district guidelines and that it is compatible with the style of architecture in the neighborhood.

Ms. Campos said the DAC was required to make a decision on the changes in windows and the balconies based on insufficient information.

Mike Diamond, 2839 SW 2nd, property owner, said there was a two to one vote in favor of the changes. He did write a letter to the Landmarks Commission saying he thought the process was not clear.

Commissioner Blumenauer moved to tentatively grant the appeal and overrule the Landmarks Commission decision. Commissioner Lindberg seconded the motion.

Commissioner Blumenauer said he is willing to work to make the process better but that there is a danger of process running amok. He said he respects Mr. Southgate's judgment and did not believe he went beyond his authority in approving these changes.

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Commissioner Bogle said he believes the as-built houses are within the spirit of the guidelines and heard a willingness to compromise by the builder. He said he would not second guess the DAC's decision.

Commissioner Lindberg said he thinks the process needs to be tightened up and it is critical that people keep their word but that these changes meet the intent of the guidelines.

Mayor Clark said he agrees that the process needs to be clarified and is glad Commissioner Blumenauer has agreed to do this.

Disposition: Appeal Granted Tentatively (Y-4) Prepare Findings for August 8, 1990 at 2:00 p.m.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2ND DAY OF AUGUST, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioners Blumenauer, Presiding; Commissioners Bogle and Lindberg, 5.

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

The Regular Agenda was considered prior to the Time Certain.

REGULAR AGENDA

Commissioner Earl Blumenauer

- 1345 Adjust rates for the repair of sidewalk, driveway, and curb (Second Reading Agenda 1298)

Disposition: Ordinance No. 163331. (Y-3)

- 1343 TIME CERTAIN: 2:00 PM -Recommendation of the Portland Planning Commission on the adoption of the Second Amendment to the Columbia South Shore (Airport Way) Urban Renewal Plan (Report introduced by Commissioner Blumenauer.)

Duncan Brown, Planning Bureau, said the amendment involves six changes. He said the proposed property acquisition in the NE Holman area, the name change and acquisition of property for wetlands mitigation were the issues that elicited the most concern at the Planning Commission hearing.

Doug Butler, Portland Development Commission, said the proposed name change from Columbia South Shore to Airport Way will clear up continuing confusion between Columbia South Shore and Columbia Corridor. He said Airport Way is a better name for marketing purposes because it identifies the area more precisely.

In regard to acquisition of property in the Holman area, Mr. Butler said PDC believes the availability of large parcels of land for redevelopment is necessary to achieve a quality project, attract investment and create jobs. The Holman property is viewed as a gateway which will set a standard for the whole area. He said the amendment authorizes acquisition of property in two phases, with Phase One planned for the next three years and Phase Two for three years thereafter.

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Mr. Butler noted the lengthy negotiations PDC has had with Thrifty Car Rental as to the number of auto parking spaces compatible with the plan but said no agreement has been reached. He said PDC believes the 4.5 acres devoted to the parking and storage of cars is a poor use of the gateway.

Commissioner Lindberg asked about the alternate space PDC had offered them.

Mr. Butler said they had guaranteed a replacement site within five minutes of their current site.

Commissioner Bogle asked what PDC's goal was for the area.

Mr. Butler said assumptions developed by the Planning and Transportation Bureaus projected employee goals of 19-20 per acre in G1 zones and 40 in G2 zones. He said parking is a conditional use in the area and parking is not viewed as the highest and best use of the property.

Doug McGregor, Vice-Chair, PDC, said staff held approximately 100 meetings with property owners and had participatory agreements with many. He said this amendment is needed so PDC can continue negotiating with Thrifty.

Jeff Bachrach, 1727 NW Hoyt, Attorney for Thrifty Car Rental, asked that a condition be added stating that no portion of Thrifty's property can be acquired without its consent in order to prevent PDC from seeking condemnation. He said the burden of proof should be on PDC, not Thrifty, and that PDC should incorporate Thrifty into its vision. Mr. Bachrach said they have a fleet of 600 cars and need 500 spaces in order to operate.

In response to a question from Commissioner Bogle on their expansion plans, Rick Lucas, Thrifty General Manager, said they plan to double their fleet in the next five years.

Commissioner Lindberg asked about the hardships of moving five minutes away.

Mr. Bachrach said it was difficult to do marketing and advertising in such situations and Mr. Lucas said they need to be as close as possible to the airport if they are going to be able to compete with airport on-site auto rental companies.

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Individuals speaking in support of Thrifty Car Rental's position included:

Jon Brobst, Riverside Travel Association
Art Laws, 20721 NE Interlachen Lane
Richard Duncan, Chrysler Corporation
Jim Smith, Attorney at 1300 SW 5th, #2300,
representing Dollar Rent a Car
Daniel McWilliams, McWilliams/Watermark Advertising,
300 SW 6th
Martin Kehoe, Realtor

Bernard Galitzki, 1809 NW Johnson, asked for approval of the mitigation sites so that filling can begin.

Debbie Wallace, Executive Director, Columbia Corridor Association, supported the vision of the plan and development of the Holman area to its highest and best value. She also supported the mitigation area and name change.

Mike Houck, Audobon Society Director, supported acquisition of the mitigation sites and opposed the name change to Airport Way.

Charles Kobin, Attorney representing Original Mink Oil, which owns property adjacent to Thrifty Car Rental, asked that, if Thrifty is excluded from the project, they also be excluded.

Lloyd Farley, Realtor at 5200 SW Macadam, #580, spoke in support of the name change on behalf of Tom McDonald, owner of thirteen acres in the area.

Commissioner Blumenauer announced that public testimony was closed but that the written record would be kept open to 5:00 p.m. Monday, August 6.

Council asked if a yes vote granted condemnation rights to PDC and if they could require a return to Council before condemnation takes place.

Ben Walters, City Attorney, said PDC would not have to come back to Council before beginning condemnation proceedings but would have to hold public hearings. He said Council could add a condition to the Plan requiring PED to return to Council before initiating condemnation.

Commissioner Blumenauer said he was concerned that if Thrifty was excluded from the Plan, it would start a chain reaction from others who also wished to be excluded.

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Commissioner Lindberg asked if PDC would make Thrifty move first or wait until it had something better for the site?

Doug Butler said they would have to have the site under control and available first in order to offer it. He said it is very attractive property.

Commissioners Blumenauer, Bogle and Lindberg said they were not entirely happy with proposed change of names to Airport Way.

Disposition: Placed on file.

1344 Make certain determinations and findings related to and adopting the Second Amendment to the Airport Way Urban Renewal Plan (Ordinance introduced by Mayor Clark)

Disposition: Passed to second reading.

At 3:40 p.m. , Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council