



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF JULY, 1990 AT 9:30 A.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.

Agenda No 1244 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

1232 Accept bid of Parker-Northwest Paving Company for improvement of SW 47th Ave., from SW Vesta St. to SW Buddington St., SW Buddington, Coronado and Vacuna Streets from SW 45th Ave. to SW 47th Ave. and construction of storm sewer for \$249,993.02 (Purchasing Report - Bid No. C-9400)

**Disposition:** Prepare contract.

1233 Vacate a portion of SW 60th Avenue north of SW Douglas Street, under certain conditions (Ordinance by Order of Council; C-9721)

**Disposition:** Passed to second reading.

1234 Vacate a portion of SW 60th Avenue south of SW Lesser Road, under certain conditions (Ordinance by Order of Council; C-9722)

**Disposition:** Passed to second reading.

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Mayor J. E. Bud Clark

1235 Confirmation of reappointments of Edward W. Timm and Loren Wyss to the City's Investment Advisory Committee (Report)

**Disposition:** Confirmed.

\* 1236 Authorize agreement with Milliman and Robertson, Inc., to perform actuarial work on the Workers' Compensation and Liability Programs of the Office of Finance and Administration, Risk Management Division (Ordinance)

**Disposition:** Ordinance No. 163257. (Y-5)

\* 1237 Continue contract with Ball, Janik and Novack for the consulting services of Victoria Cram on matters pertaining to the relationship between the City of Portland and the Federal Government (Ordinance)

**Disposition:** Ordinance No. 163258. (Y-5)

\* 1238 Authorize the Mayor to apply for and accept from the Meyer Memorial Trust a grant for \$22,500, and accept private donations to match the Meyers Memorial Trust grant (Ordinance)

**Disposition:** Ordinance No. 163259. (Y-5)

Commissioner Earl Blumenauer

\* 1239 Agreement with the Oregon Department of Transportation, Highway Division, and Trans Industries to provide for the Lower Columbia River Highway, NW Doane Avenue to NW Balboa Avenue Project (Ordinance)

**Disposition:** Ordinance No. 163260. (Y-5)

\* 1240 Grant a revocable permit to Arts Celebration, Inc., to maintain banners on street light poles from August 13, 1990 to September 8, 1990 (Ordinance)

**Disposition:** Ordinance No. 163261. (Y-5)

Commissioner Mike Lindberg

\* 1241 Authorize payment to Wilsey & Ham Pacific, Inc. for additional services for revised scope of work for Overlook House Site Improvements at 3839 N Melrose (Ordinance)

**Disposition:** Ordinance No. 163262. (Y-5)

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- \* 1242 Increase petty cash funds of the Water Bureau: Headworks Fund to \$1,000, Parkrose Fund to \$1,000 (Ordinance; Amend 152321)
- Disposition:** Ordinance No. 163263. (Y-5)
- \* 1243 Contract with Private Industry Council to hire approximately thirty youth in work experience positions in the Water Bureau, and provide for payment of \$57,000 (Ordinance)
- Disposition:** Ordinance No. 163264. (Y-5)
- \* 1245 Authorize agreement with Multnomah County for operation of an integration program for senior citizens with mental retardation/developmental disabilities through the Bureau of Parks and Recreation's Special Recreation Program and transfer \$18,791 within the General Fund from Unforeseen Reimbursables to the Parks Bureau (Ordinance)
- Disposition:** Ordinance No. 163265. (Y-5)
- \* 1244 Amend Code provision relating to signs in parks (Ordinance; Amend Code Section 20.12.030)

**Discussion:** Joe Uris, Portland resident, said the proposed change only allows people to carry signs along walkways and footpaths and should be broadened to cover all areas of the parks.

Commissioner Lindberg said the City Attorney has agreed to this change and that they are working on an ordinance establishing criteria for granting permits for organized activities.

Commissioner Blumenauer said he wanted to make sure that people are not assembling in the rose bushes and that the Code protects the botanical wonders in our parks.

Harry Auerbach, Deputy City Attorney, said this amendment is fine as there are other provisions in the Code which prohibit mutilating bushes, etc.

Commissioner Lindberg moved to delete the phrase "along the walkways or footpaths" in Section C to read... "nothing in this section shall prohibit the carrying of signs in the parks." On a second by Commissioner Blumenauer, the motion carried. (Y-5)

**Disposition:** Ordinance No. 163266 as amended (Y-5)

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## REGULAR AGENDA

- 1246 Appeal of Joe and Nancy Bice against revocation of permits to maintain chicken and ducks on property located at 2321 SE 90th (Hearing; Report)

Commissioner Koch said this issue came to Council last September and Council agreed then to grant the permits on condition that the Bices obey all provisions. Complaints have since been received regarding a rooster and about flies, noise and odors. Erv Kaufman, the Multnomah County Sanitarian, now recommends revocation of the permits.

Randy Howarth, Multnomah County Environment Health Division, speaking for Mr. Kaufman, asked that the recommendation for revocation be sustained.

Joe Bice, appellant, said he got rid of the rooster and that when Mr. Kaufman made his inspection they were in the process of removing forty years of chicken droppings and putting in a sand bed but had been delayed by heavy rains.

Nancy Bice, appellant, said she would really like to keep her animals but feels the complainant is going to complain no matter what she does.

**Disposition:** Appeal denied. (N-5)

- 1247 Support Portland's bid to host the 1995 Summer Olympics Festival (Resolution introduced by Mayor Clark and Commissioner Lindberg)

Commissioner Lindberg said the private sector group making this bid needs a resolution of support from the City in order to meet one of the bid requirements.

**Disposition:** Resolution No. 34753. (Y-5)

**Mayor J. E. Bud Clark**

- 1248 Establish fee for background investigations for sale and transfer of handguns (Ordinance)

Mary Ann Buchanan, 1624 SW Upland Dr., said there is no reason taxpayers as a whole should bear the cost of the background investigations.

Jan Shaffer, Oregonians Against Gun Violence, urged passage of this item to bring City Code into line with the new Multnomah County ordinance.

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John Nichols, Legislative Chairman for the Oregon State Shooting Association, said he helped negotiate HB3470, the gun control bill, and that at no time during the long negotiations did the City raise the issue of background fees, which his group views as a poll tax.

Mr. Nichols said during the negotiating process Jackie Bloom, the City's lobbyist, presented a letter stating that the only thing the City was interested in was preserving their right to ban the carrying of loaded firearms without a permit and to prevent discharge in public places. He said to raise the fee issue now shows a lack of good faith and casts doubt on the legislative process and the ability to reach compromise.

Mr. Nichols said they are in the process of filing a lawsuit with Multnomah County on their fee ordinance and believe it would save the City a lot of money to wait until that legal dispute is settled

Eric Dickman, City resident, agreed with Mr. Nichols that this assessment is a poll tax and urged Council to let the state measure work and not impose the fee. He said a large number of firearm transfers take place outside established retail channels and would not be affected by the background checks.

Jackie Bloom, Intergovernmental Affairs Office, said the City Attorney did a complete analysis of HB3470 and raised the issue of fees but they had no idea then what the costs of doing the background checks would be. She said she decided that if they had to give and take on certain issues, preemption would be a major win for the City and they could work on the fee issue in the interim. She said they planned to gather information on the financial impact on the Police Bureau and then return to the next legislative session with documentation and request the right to impose fees because of the added burden.

Commissioner Blumenauer asked her if she had said anything as a representative of the City at the legislature that would abrogate the City's right to institute a cost recovery program.

Ms. Bloom said absolutely not.

Jeff Rogers, City Attorney, said the City does have the authority to enact this fee and the preemption provision does not preclude this kind of an action.

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Commissioner Koch asked if they had the authority to make a profit on it, or just cost recovery.

Mr. Rogers said cost recovery.

Commissioner Lindberg said the fifteen dollar fee does not cover the full cost of the check.

Mr. Rogers said the State Attorney General looked at the issue when it examined the County's ordinance and concluded the County did have the authority to impose fees. The Attorney General referred to this kind of action as "filling a gap" left open by the state legislation.

Commissioner Blumenauer said he was persuaded by the Attorney General and City Attorney's opinions and would vote for it.

Commissioner Bogle said the Public Safety budget is strained right now and it would be negligent not to pass this.

Commissioner Koch said he has no problem with charging fees for cost recovery but wants to wait for the outcome of the court case and so would vote against the ordinance at this time.

Commissioner Lindberg said he finds this a perfectly reasonable charge.

Mayor Clark said purchasers of guns should bear the cost of the checks.

Council voted Y-4, N-1 (Koch). However, because the ordinance is non-emergency, it passes to second reading and a final vote next week.

**Disposition:** Passed to second reading.

\* 1231

**TIME CERTAIN: 10:00 AM** - Authorize assignment of Agreement with Association for Portland Progress to manage and provide certain Downtown Economic Improvement District improvements; approve the summary of District improvements and budget for next period of Agreement (Ordinance introduced by Mayor Clark; Contract 25095)

**Discussion:** Doug Goodman, Chairman of the Economic Improvement Advisory Committee and Associated Portland Progress Board member, asked for approval of the 1990-91 budget and assignment of an agreement to PDSI (Portland Downtown Services, Inc.) to eliminate costly IRS filing requirements.

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Mr. Goodman said APP is committed to seeing that another Downtown EID be initiated when this one sunsets.

Mayor Clark said everyone comments to him on how beautiful Downtown looks.

Commissioner Blumenauer said this is too important a project to allow to falter.

Commissioner Koch said all the feedback he has received about the guide program is very positive.

Commissioner Bogle said everything about the program is excellent.

Commissioner Lindberg said this is a model program.

**Disposition:** Ordinance No. 163267. (Y-5)

- \* 1249 Contract with the Senior Job Center for \$73,487 for the Senior Home Repair and Maintenance Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163268. (Y-5)

**Commissioner Earl Blumenauer**

- 1250 Provide for time and manner of improving as a district: streets within the SE Schiller/92nd District HCD Improvement Project, and construction of sumps. (Second Reading Agenda 1223)

Commissioner Bogle moved to overrule the remonstrance that was filed. On a second by Commissioner Lindberg, the motion carried. (Y-5)

**Disposition:** Ordinance No. 163269. (Y-5)

**Commissioner Dick Bogle**

- \* 1251 Clarify provisions relating to issuance and denial of Secondhand Dealer permits (Ordinance; Amending Chapter 14.37)

Commissioner Koch complimented the two unrelated Mr. Nelson's and said this is an area where strong enforcement is really essential.

**Disposition:** Ordinance No. 163270. (Y-5)

- \* 1252 Call for bids to furnish three 1500 GPM triple combination pumpers for the Bureau of Fire, and authorize a contract (Ordinance)

**Disposition:** Ordinance No. 163271. (Y-5)

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**Commissioner Bob Koch**

- \* 1253 Call for bids for the construction of 5540 NE Sandy Blvd renovation project, authorize a contract, and provide for payment (Ordinance)

**Disposition:** Ordinance No. 164272. (Y-5)

**Commissioner Mike Lindberg**

- \* 1254 Authorize grants for performances and/or public services that promote the arts, and provide for payment (Ordinance)

**Discussion:** Commissioner Lindberg said this will fund 71 individual projects and that the \$109,000 cost will generate about \$300,000 in additional money from other sources. He said he was proud of the efforts made to involve ethnic minorities in this process.

**Disposition:** Ordinance No. 163273. (Y-5)

At 10:40 a.m., Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF JULY, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Koch, Presiding and Commisisoner Blumenauer, 2

Due to the lack of a quorum at 2:00 p.m., the session was recessed by Commissioner Koch, President of Council, until 3:00 p.m.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF JULY, 1990 AT 3:00 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 Adrienne Brockman, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

1255 TIME CERTAIN: 2:00 PM - Adopt the recommended draft of the zoning code rewrite project (Previous Agenda 1067)

Commissioner Blumenauer requested that this be referred back to his office pending the outcome of the informal Council work session on Thursday, July 19.

Disposition: Refer to The Commissioner of Public Works

REGULAR AGENDA

1256 Deny appeal of John C., Bess I., and John Bartels and approve the application of Kelly and Barbara Brunn for a 40-lot PUD and subdivision, with variances in an R10 zone located at SW Humphrey Blvd., near SW Humphrey Court (Findings; CU 121-89/S 47-89)

Discussion: Commissioner Koch said he had a letter from Attorney Herbert Anderson asking him to disclose ex parte contacts in addition to the one discussed on June 20. He asked Mr. Anderson to disclose any knowledge he had about these alleged contacts.

Herbert Anderson, Attorney for appellant, said he is referring to a campaign contribution Commissioner Koch received after the election from the applicant on May 29, the day before the hearing.

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Commissioner Koch said he had no knowledge of that.

Mr. Anderson asked if Council had acted upon their request not to admit into the record the July 3 report filed by the applicant after the record was closed or, if it was accepted, to allow them an opportunity to respond.

Miriam Hecht, Planning Bureau, said a letter was transmitted July 3 by the applicant's attorney from the geotechnical engineer. She said she understood that if there is a further appeal, the cutoff date for what Council acted upon was the date of the final hearing and that this letter would be used in providing documentation for final approval only if the case is approved.

Kathryn Imperati, Deputy City Attorney, suggested that Council specifically accept or reject the letter since it was not presented at the public hearings on the appeal or reviewed or relied on by Council members in reaching their decision.

Commissioner Koch moved to reject the report. Commissioner Bogle, the motion carried. (Y-3; Mayor Clark and Commissioner Blumenauer abstained)

**Disposition:** Findings Adopted. (Y-3; Mayor Clark and Commissioner Blumenauer abstained)

1257

**TIME CERTAIN:** 3:00 PM - Adopt the 1990 Downtown Parking Management Plan to begin implementation of air quality offset measures and a transportation management program for City employees (Resolution introduced by Commissioner Blumenauer)

**Discussion:** Commissioner Blumenauer said this is an attempt to deal with tremendous development pressures in the core area and will give us breathing room over the next ten years. He said the City is not anti-parking and recognizes that the 43,914 parking spaces we are allowed is an essential part of the downtown infrastructure.

Commissioner Blumenauer said this proposal will allow us to keep our commitment to a liveable downtown, to clean air and environmental quality.

Elsa Coleman, City Parking Manager, said the Downtown Parking Management Plan gives approval within the framework of the four policy goals -- transit, air quality, traffic and development -- to the concept of adding parking for new development through air quality offsets. It also proposes establishment of a program for City of Portland employees, directs the City to implement offsets in the private sector and to work for EPA approval to incorporate the offsets into the State implementation plan. Finally, the policy directs staff to develop a new Central City Transportation Policy.

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Commissioner Koch voiced strong support for the Plan and said it is reprehensible that local governments and businesses have to bear the burden because the federal government does not have the guts to provide the proper motivation for us to implement technology that would reduce emissions in this country.

Phil Bogue, Tri-Met Board Member, said the Parking Management Plan places a heavy responsibility on Tri-Met, which they are both ready and able to meet. He said close to half of downtown workers now use mass-transit and that they are already at work with increased marketing efforts aimed at downtown travelers. He said First Interstate just announced a \$15.00 a month subsidy for employee Tri-Met passes and believes programs like this have enormous potential.

Commissioner Bogle asked if there was anything we can learn from the Austin transit system which provides free service.

Mr. Bogue said he believes the opportunity is past for free transit. He said the need for a regional partnership is crucial for the success of the program and said the City has been a true leader in this concept.

Andy Cotugno, Transportation Director for Metro, said parking directly affects both freeway and transit system demand. He said the parking policy will affect whether the major expenditures planned for light rail will be cost effective. He said this plan strikes a good balance between maintaining economic viability downtown while maintaining concern for its impact on the rest of the transportation system.

Commissioner Lindberg asked if he saw a need for more parking regulations in other parts of the City or the region.

Mr. Cotugno said downtown is a hot spot because of the high concentrations of carbon monoxide and that as other hot spots develop in high-activity locations programs similar to Portland's may be needed.

Claudia Efurd, Goose Hollow Foothills League, requested increased short term parking for Portland State University which has 1200 parking spaces for 14,000 students, 600 of which are used by faculty and staff.

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Faith Ruffing, 1437 SW Hall, also representing the Goose Hollow Foothills League, asked that the proposal to place parking structures over freeways be addressed.

Marty Brantley, Clean Air Business Alliance, said his group supports this as an interim plan but urged a look at new options and ideas.

Lavinia Wihtol, Oregon Environment Council, said the current parking lid has been effective and should be retained. They support a surcharge on parking rates and increased restrictions and suggested Council look at the option of free transit.

Bill Naito, Portland Chamber of Commerce, said a certain amount of parking needs to be available to meet the needs of offices and industries located downtown. He said the parking lid had worked perversely in many cases and that better management of the parking inventory is needed. He suggested that, since the fare box receipts cover only 23% of the costs, free transit to the three-county area might work better than a parking lid.

Jeanne Roy, League of Women Voters, said they support the parking lid as a way to encourage downtown density and prevent congestion. She outlined five amendments the League seeks and asked for strict implementation of the policy and for a moratorium on parking outside the lid until an adequate reserve of 300 spaces is built up. The League is also asking for measures to reduce commuter traffic so that offsets are not needed and for a short-term parking strategy.

Howard Harris, Department of Environmental Quality, read a letter from DEQ Director Fred Harris in support of the plan.

Lee Lacey, Downtown Community Association, said the neighborhood supports the proposal but believes a downtown residential parking permit plan is needed.

Commissioner Blumenauer said this is not going to happen because with 8,000 downtown parking spaces and 10,000 downtown residents, the consensus has been that the highest priority should be for short-term parking.

Larry Dully, Portland Development Commission, supported the plan and said they were particularly pleased that the needs of older buildings were being addressed.

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Commissioner Blumenauer moved an amendment to the plan regarding short term and visitor parking. It would add a provision to determine which sectors have the most need for short-term and visitor parking and prepare recommendations for additional parking facilities to serve these sectors.

On a second by Commissioner Lindberg, the motion carried. (Y-4; Koch absent)

Commissioner Blumenauer said the Plan will not satisfy everyone but will not compromise air quality standards. He said some offsets to provide incentives away from parking are already underway and Council will receive recommendations about these within a month

**Disposition:** Resolution No. 34754 (Y-5)

At 4:40 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council